SUPREME COURT OF THE UNITED STATES.

No. 112.

THE UNITED STATES, APPELLANTS,

vs.

FRANCISCO PEREZ PACHECO.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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GIDEON, print.

Transcript of the proceedings in case No. 63—Franc'o P. Pacheco, claimant, vs. The United States, defendant—for the place named "Ansaymas."

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this twenty-fourth day of February, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Francisco Perez Pacheco, for the place named "Ansaymas," was presented, and ordered to be filed and docketed with No. 63, and is as follows, to wit:

(Vide pages 5, 6, 7 and 8 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

MONDAY, *May 3d*, 1852.

In case No. 63, Francisco Perez Pacheco, the deposition of Macsimo de Taboas, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed, and is in the words and figures as follows, to wit:

(Vide pages of this Transcript 9 and 10.)

MONDAY, *May 3d*, 1852.

In the same case, the deposition of José Maria Sanchez, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed, and is in the words and figures as follows, to wit:

(Vide pages of this Transcript 10, 11 and 12.)

WEDNESDAY, *May 12th*, 1852.

In case No. 63, Francisco Perez Pacheco, the deposition of David Spence, a witness in behalf of the claimant, taken before Commissioner James Wilson, was filed, and is in the words and figures as follows, to wit:

(Vide pages of this Transcript 12 and 13.)

TUESDAY, *June 1st*, 1852.

Case No. 63, Francisco Perez Pacheco, was set in its order for hearing.

THURSDAY, *December 23d*, 1852.

Case No. 63, Francisco Perez Pacheco, for the place named "Ansaymas," *were* called, argued and submitted with the evidence; taken under advisement by the board.

WEDNESDAY, *January 5th*, 1853.

In case No. 63, Francisco Perez Pacheco, for the place named "Ansaymas," Commissioner Hiland Hall delivered the opinion of this board, and the decree of final confirmation.

Ordered, that the opinion and decree of final confirmation of this board, delivered this day in this case, be recorded on the journal.

Which opinion and decree are in the words and figures as follows, to wit:

(Vide pages of this Transcript 83 and 84.)

Petition.

To the honorable the Commissioners for the settling of private land claims in California.

The petition of Francisco Perez Pacheco respectfully showeth: That being a Mexican by birth, and in the military service of the Mexican republic, in the Territory of California, he made and presented a petition on the 30th day of May, 1833. to José Figueroa, brigadier general and superior chief or governor of California, soliciting for himself the grant of two adjoining parcels of land then occupied by him, situate near the mission of San Juan Bautista, in the present counties of Monterey and Santa Clara, and designated as "Ansaymas" and "Cañada de Osos." That on the first of June, 1833, said governor referred said petition to the ayuntamiento of Monterey, in order to obtain their report, whether said lands could be granted, and whether the petitioner possessed the requisites necessary to meet with a compliance of his request. That on said first June, 1833, the ayuntamiento of Monterey transmitted said petition and reference to the committee of colonization and waste land, and that said committee inquired of the fathers, ministers of the mission of San Juan Bautista, to the territory of which those tracts formerly belonged, and was notified by Felipe Arroyo, one of said ministers, that the mission had granted said land to your petitioner, because said mission did not want them. Thereupon, said committee on waste land and colonization, in their report to the ayuntamiento aforesaid, declared said lands liable to be granted, provided the reverend fathers of said mission would not raise any further obstacles. That said ayuntamiento transferred said report of the committee to Governor Figueroa on the 8th of June, 1833. That on the 11th June, 1833, said Governor Figueroa referred the subject back to the reverend fathers, ministers of said mission of San Juan, in order to obtain an exact statement of all the facts directly from them; whereupon, José Antonio de Amor, one of the fathers aforesaid, reported favorably to the petitioner, Pacheco. That said Governor Figueroa, thereupon, to wit, on the 28th day of June, 1833, referred said matter to the first constitutional alcalde of

Monterey, in order to obtain further reports about the character and position of your petitioner, Pacheco, and whether said lands did not belong to the "Rancho Nacional," or to any corporation, village, or individual. Thereupon, said alcalde notified your petitioner, that he had to bring witnesses to be examined on all the particulars set forth in the governor's reference to him the said alcalde. That your petitioner appeared there on the day appointed with three witnesses, citizens of the republic of Mexico, who then and there satisfactorily proved that your petitioner was of unexceptionable character in the military services of the republic for many years; that he was possessed of a large stock of cattle, &c. &c.; and that the land petitioned for belonged de jure to the mission of San Juan Bautista; but was waste and unoccupied. The depositions of which three witnesses were transmitted to Governor Figueroa. Whereupon, said José Figueroa, by virtue of the authority vested in him as constitutional governor of California, by a decree dated the 21st of November, 1833, declared the said Francisco Perez Pacheco to be the lawful owner of the tracts of lands designated as "Las Ansaymas," and "Cañada de los Osos," now only known under the name "Ansaymas," and directed the proper documents constituting title to be executed and delivered to said Pacheco. That on the twenty-sixth of November, 1833, said documents were issued, in accordance with all the formalities of the law, and delivered to your petitioner. That said grant was introduced to the departmental assembly at Monterey, and by her referred to the committee on colonization to report thereon. That said committee having favorably reported thereon on the 7th of March, 1834, said departmental assembly, in the sitting of the 17th of May, 1834, approved and confirmed said grant.

And your petitioner further saith, that the said petition, references, letters, statements, depositions, and a copy of the original grant, together with a map of the land, are now on file among the archives of the surveyor general of the United States of America for the State of California, and that duly certified copies and translations of the same are herewith exhibited, and prayed to be made a part to this petition. And that the original grant and record of juridical possession are in the possession of your petitioner, and ready to be offered in evidence whenever required. And your petitioner further states, that said tract of land is situated in the present counties of Santa Clara and Monterey, in the neighborhood of the mission of San Juan Bautista, and is bounded according to the terms of said grant as follows:

On the south by the lands of the mission of San Juan Bautista and the "Sanjon del Tequesquite;" commencing about one thousand varas south of the entrance of the San Felipe creek, in the laguna de San Felipe, thence running due east two leagues. Thence at right angles to said last line, due north one league and three-quarters, crossing the river of San Felipe to a point about three hundred varas north of the point of crossing. Thence west one thousand varas. Thence south 20 degrees west three thousand varas. Thence west to a point due north of the point of the first station. Thence due south to the place

of beginning. Containing in whole about two leagues, more or less. And your petitioner further states, that he applied to the constitutional alcalde at Monterey on the 26th of October, 1835, for the purpose of obtaining juridical possession of the land so granted to him; and that said alcalde on the 22d of October, 1835, had said land measured, and gave your petitioner the juridical possession of it, in accordance with all the formalities of law. And your petitioner further states, that afterwards, to wit, on the sixth day of April, 1836, he obtained a grant for a tract of land adjoining the above described, and that second grant expressly confirmed and ratified said first-named grant of the 26th Nov., 1833, as will more fully appear by reference to said second grant, which together with the documents of juridical possession above mentioned is in your petitioner's hand, and ready to be offered in evidence whenever required.

And your petitioner further saith, that ever since said grant was made to him he has been in possession of said land, and has exercised full and acknowledged ownership over the same, and that he is not aware of any title paramount to his. He therefore claims to be the owner of said tract, Ansaymas, and prays that your hon'ble body will confirm his claim and title thereto.

CLARK, TAYLOR & BECKH,
Attorneys.

Filed in office, Feb'y 24th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of Macsimo Taboas.

OFFICE OF THE BOARD OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS, SAN FRANCISCO, *May 3d*, 1852.

On this day, before me, Hiland Hall, one of the commissioners for ascertaining and settling private land claims in the State of California, came Macsimo Taboas, a witness produced in behalf of the claimant in three petitions of Francisco Perez Pacheco, being No. 63, 64, and 65 on the docket of the commissioners, and was duly sworn.

His evidence, being given in the Spanish language, was interpreted by the secretary. The law agent was notified and attended.

In answer to questions propounded by the counsel for the petitioner, the witness testified as follows:

My name is Macsimo Taboas; my age is thirty-three; and my residence is in Monterey, where I have lived for about three years. I have known Franco. Perez Pacheco for three years. I am acquainted with the ranchos of Ansaymas, San Felipe, and Bolsa de San Felipe, and have known them during the same period. They are one and the same thing. They have been occupied by Pacheco during the same time with cattle, horses, and improvements, to the extent of from eight to ten leagues. The stock of cattle and horses has averaged from eight to ten thousand head. The improvements consist of a large adobe house, valued from fifteen to twenty thousand dollars; pens for

cattle and horses, large enough to contain two hundred head; and also sheep and hog-pens, and ten or twelve cabins for Indian laborers, and land under cultivation sufficient to support the people employed on the rancho.

In answer to questions put by the law agent, the witness says, that from what he has heard others say, he thinks the rancho is from eight to ten leagues from the sea-coast at the nearest part.

Sworn and subscribed before me—

HILAND HALL, *Com'r.*

Filed in office, May 3d, 1852.

GEO. FISHER, *Sec'y.*

Deposition of José Maria Sanchez.

OFFICE OF THE BOARD OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS, SAN FRANCISCO, *May 3d*, 1852.

On this day, before me, Hiland Hall, one of the commissioners for ascertaining and settling private land claims in the State of California, came José Maria Sanchez, a witness produced in behalf of the claimant in three petitions of Francisco Perez Pacheco, being numbers 63, 64, and 65 on the docket of the commissioners, and was duly sworn. His evidence, being given in the Spanish language, was interpreted by the secretary. The law agent was notified and attended.

In answer to questions propounded by the counsel for the petitioner, the witness testified as follows:

My name is José Maria Sanchez; my age is fifty-two years; and I reside in the town of San Juan Bautista, and county of Monterey. I was born in the city of Mexico, and came to California in 1825, and have lived here ever since.

I have been acquainted with Francisco Perez Pacheco ever since 1825. He obtained a grant of San Felipe about the year 1833, and has occupied it ever since. The Rancho de Ansaymas adjoins San Felipe. Ansaymas has been occupied for the same period. When he obtained the grant he built a house on the land, and lived in it himself, and I lived with him. He placed cattle on it the first year to the number of about two hundred, and the next year he had twenty-five hundred or more. He also had horses there to the number of two hundred the first year. He has continued to occupy it, the cattle increasing in numbers, but to what extent I cannot say. He has raised wheat, barleycorn, and vegetables in considerable quantities, supplying servants and tenants to the number of forty or fifty. He had at the commencement of his possession some eight cabins and some corrals, besides the main house and enclosures for cultivation, and additional improvements have since been made.

I know the Rancho Bolsa de San Felipe; it borders upon San Felipe, and is a part of it, and it also borders upon my land; it is called Bolsa in consequence of its being nearly enclosed by a swamp, a willow grove, and a ravine, which ravine is called Sanjon de Tequesquite. The Bolsa belonged to the Sanjon Bautista mission until it

was granted to Pacheco. At that time the family of the mayordomo of the mission, and some Indians belonging to the mission, were living there, and Pacheco permitted them to continue there, he lending them the land. The house that was first built remains on the land yet. Ansaymas and San Felipe are both one, and the improvements are on both.

In answer to questions by the law agent the witness says, he does not know the distance of the land from the sea-coast, and cannot tell.

(Signed) JOSE MA. SANCHEZ.

Subscribed and sworn before me.

(Signed) HILAND HALL, *Com'r.*

Filed in office, May 3d, 1852.

GEO. FISHER, *Sec'y.*

No. 63—Claim of Francisco Perez Pacheco.

Deposition of D. Spence.

Deposition of David Spence.

Question 1st by claimant: Look at the original paper now shown you, written in Spanish, purporting to be the record of juridical possession given to claimant of the land claimed. State if you have compared it with Exhibit 1, purporting to be a translation of the same, which said exhibit marked 1 is hereunto annexed, and now filed in this cause. State if you have compared said exhibit with said original paper, and whether the same is a correct translation of said original document. State if you know any of the signatures to said original document, and which of the same you know to be genuine.

Answer. I have compared said original document with said exhibit, and find the latter to be substantially a correct translation of the former. I know the following signatures, the signature of Franco. P. Pacheco on the 1st page is a genuine signature; so is the signature of José Rafael Gonzales, on the 2d page; so also is the signature of José Maria Castañares, on said 2d page; so also is the signature of Juan Mig'l Arozar, on same 2d page.

D. SPENCE.

May 12th, 1852.

Board of Land Commissioners.

On this day the foregoing deposition of David Spence, taken at the request of Francisco Perez Pacheco—case No. 63, for the confirmation of grant of Rancho Ansaymas—and to be used in the hearing of said case.

Geo. W. Cooley, esq., was present and did not object.

Subscribed and sworn to before me,

JAMES WILSON,
Commissioner.

Filed in office, May 12th, 1852.

GEO. FISHER, *Sec'y.*

Juridical possession, Translation—Exhibit 1.

To the honorable Constitutional Alcalde:

Francisco Perez Pacheco, Mexican citizen, says: That having obtained the proprietary concession of the land known by the name of Los Ansaymas, he applies to you, that you will please to give him the juridical possession, as is provided in the 3d article of the title deed of said land, which was issued to me on the 26th of Nov., 1833, and which I duly forward, as also the respective confirmation, and return of these documents for the purposes that may suit me. Therefore, I pray you to be pleased to put me in possession as solicited, whereby I shall receive favor and justice.

Monterey, October 20th, 1835.

FRANC'O PEREZ PACHECO.

MONTEREY, *October* 20*th*, 1835.

Considered as presented and admitted.

Let them proceed to give the possession solicited, to which effect is designed the 22d of February instant; let the bordering land-owners be cited for said day, and let measurers and computers be previously appointed, who are to be acquainted with it for their acceptation and oath.

Thus did I, the citizen José Rafael Gonzales, decree, and sign with my assistants. JOSE RAFAEL GONZALES.

Assistants:

JOSE MARIA CASTANARES, JUAN MIG'L ANZAR.

On the same day the citizen Franc'o Perez Pacheco being present, he was notified of the foregoing decree, and he said he had heard it, and that he accepted summons, and he signed with me and my assistants.

GONZALES,
FRANC'O PEREZ PACHECO.

Ass'a: JOSE ANT'O GAGILA.

On the same day was issued a writ of summons, in compliance with the order in the foregoing decree, for the citation of the bordering land-owners, and in attestation I subjoined my flourish.

(Flourish.)

On the rancho of San Felipe Guadalajarita, on the 22d day of the month of October, 1835, in the same house, I, the second constitutional alcalde of the capital of the Territory, notified the bordering land-owners Quimtein Ortega and the administrator of the ex-mission of San Juan Bautista, of the foregoing decree, and understanding it, they signed with me and the assistants.

JOSE RAFAEL GONZALES,
RAFAEL MOTA,
QUINTEIN ORTEGA.

Ass.: JOSE TIBURCIO CASTRO,
JUAN MIGUEL ANZAR.

In continuance, on the same rancho, day, month, and year, I, the said alcalde, in compliance with decree of the second of present October, 1835, the citizens the bordering land-owners being present for the measurement, designation of boundaries, and juridical possession, appointed as measurers the citizens Rafael Mota and Pascual Garcia, and as computer, the citizen Quintein Ortega, who, after having accepted it and made oath, proceeded to the fulfilment of their charge. Thus did I, the nominated alcalde, decree, order, and sign with the assistants.

JOSE RAFAEL GONZALES.

Ass.: JUAN MIGUEL ANZAR,
RAFAEL MOTA,
QUINTEIN ORTEGA.

On the same day, and on the same rancho, the citizen Rafael Mota, Pascual Garcia, and Quintein Ortega, were notified of the appointment made, and they said that they accepted, and had accepted said charge, and swore by God and the holy cross to fulfil it faithfully and legally, to the best of their knowledge and understanding, without fraud against any person; and the three did not sign, but only Quintein and Mota, because Garcia could not.

JOSE RAFAEL GONZALES.
RAFAEL MOTA,
QUINTEIN ORTEGA.

Ass.: JOSE CASTRO,
JUAN MIGUEL ANZAR.

In continuance, I, the said alcalde, ordered to be brought to my presence the line with which they have to measure the grounds, and which the measurers might measure to fifty varas; and in the presence of the bordering land-owners, the said measurers took it, and with a usual Mexican vara measure, holding it in the hand, the said men measured fifty varas, in order to make the mentioned mensuration. And in attestation I signed with the assistants.

JOSE RAFAEL GONZALES.

Ass.: JUAN MIGUEL ANZAR,
RAFAEL MOTA,
QUINTEIN ORTEGA.

In the same place, on the same day, month, and year, being ten o'clock in the morning, I, the present alcalde, ordered the appointed measurers to proceed to the measurement they have to make to the citizen Francisco Perez Pacheco, and they began to measure from north to south, from the Encino Grande towards the bank of Sanson del Tequesquite, it had 80 lines, and having returned from south to north, from the mentioned Encino to the high-hill tops, "Lomas Altas," and Cañada de los Osos, 70 lines, and having returned to measure from the "Lomas" of S'n Joaquin from east to west there, and 140 lines to the

bank of Sanjon, and from thence along all the creek, which enter the Languina, they having measured it from the inside to the Encino Grande of the corner (rincon) of la Trinidad, which comes to divide the laguna in halfs, had 70 lines, having returned by all the bank of the "Lomas Altas" to look for the point, where in the sketch is marked an angle from north by northwest to the opening (portezuelo) which goes to the Tulares or to the ascent of the coast, it had 40 lines, and from thence towards the east, 60 lines, and from that point to the point of the Lomas de San Joaquin, where a "chichita," which divides from the Lomas Grandes, there are 140 lines.

In attestation of which I signed with the assistants.

JOSE RAFAEL GONZALES.

Ass.: Jose F. Castro,
Rafael Mota,
Juan Miguel Anzar,
Quintein Ortega.

On the Rancho San Felipe Guadalasarita, on the 22d day of the month of October, 1835, I, the constitutional alcalde of the 2d nomination in municipality of Monterey, after having executed the measurement of the mentioned rancho, as is designated in the foregoing mensuration, the bordering land-owners—the citizens Quintein Ortega and José Tiburcio Castro, for the ex-Mission of San Juan Bautista, who were consenting to everything else in the premises—being present, I ordered peaceable possession of the land known by the name of Rancho de San Felipe Guadalaxarita to be entered into by the citizen Franco. Perez Pacheco, under the cited measurements and the formalities customary in similar cases, which he verified, pulling up grass, cutting off some branches of trees, throwing some stones, taking up earth and making demonstrations as owner of the land granted him by the excellent territorial deputation, and of which he is hereby given peaceable possession and ownership, the validity of which I authorize, and sign it with the said bordering land-owners and attesting witnesses.

JOSÉ RAFAEL GONZALES.
RAFAEL MOTA,
QUINTEIN ORTEGA,
FRANCO. PEREZ PACHECO.

Ass.: José Castro,
Juan Miguel Anzar.

Monterey, *Novbr.* 11*th*, 1835.

Let entry be made of this in the book of possessions, and transmit it in original to the interested party, that it may serve him as title. Thus did I, the 2d alcalde, determine, order and sign with the assistants.

JOSE RAFAEL GONZALES.

Ass.: José Castro,
Juan Miguel Anzar,
Rafael Mota,
Quintein Ortega.

On the 10th of November, 1835. Entered on folio 2d, reversed, of the respective book, and the expediente in 6 written folios was transmitted, together with the sketch annexed to this expediente, in compliance with the foregoing decree, and I subjoined my flourish.

(Flourish.)

Continual act; let this expediente pass to the H. assessor of the Territory, that he may have the costs due and satisfactory to this court.

GONZALES.

H. 2d Constitutional Alcalde:

To the court of justice in your charge is due, as costs incurred by the performance of the preceding action, 38 dollars 1½ bit, as appears in the following account:

Presentation of writ, with provision and decree - - -	$1	
One notification - - - - - - - - - - -		3
Three notices - - - - - - - - - - -	1	4
Appointment, acceptation, and oath of skilful men - -	1	
The act of recognising the line - - - - - - -	1	
Measurements and possession - - - - - - -	3	
Two interventory decrees - - - - - - - -	2	
The writing - - - - - - - - - - -	1	2½
36 leagues journey - - - - - - - - -	27	
Sum	$38	1½

Monterey, October 26th, 1835.

COSMO PESNA.

Assessor's fees $5.

Filed in office, May 12th, 1852. GEO. FISHER, *Sec'y.*

1 S. D. K.—*Espediente, B.*

Jurisdiccion de Monterey [No. 14.] Año de 1833.

Espediente sobre el parage nombrado Los Ansaymas, solicitado para su ocupacion y beneficio, por Don Francisco Perez Pacheco.

[2 S. D. K.] [149.]

Sello Tercero, Para los años y seis y ochocientos [Place of a seal in the original.] Dos Reales. de mil ochocientos veinte veinte y siete.

S'or Gefe Superior Politico:

[Place of the stamp for the years 1828 and 1829, in the original.]

[Place of the stamp for the years 1830 and 1831, in the original.]

[Place of a stamp for the years 1832 and 1833, in the original.]

El ciudadano Francisco Peres Pacheco, originario de la ciudad de Guadalara capital del estado de Jalisco, alferes graduado de cavalleria del ejercito y commandante del resguardo de este puerto, de profesion agricultor; ante V. S. por el ocurso mas oportuno digo; que deseando por mi parte llenar los deseos del gobierno à que per-

tenesco, y se propuso al expedir el soberano decreto de dies, y ocho de Agosto del año pp'do de mil ochocientos veinte y cuatro. He resuelto ocupar con mis bienes y labores el terreno nombrado Los Ansaymas y Cañada de los Osos; y en su consecuencia elevo á V. S. esta instancia acompañando como lo hago, el diceño prevenido en el articulo 2o, de las disposiciones que en concordancia de la citada ley expedida por el supremo gobierno, en veinte cuatro de Noviembre, de mil ochocientos veinte y ocho; é igualmente acompaño el unanime consentimiento del padre ministro de la mision de S. Juan Bautista, que tuvo a bien cederme interinamente hasta ver la resolucion de V. S. por colindar con d'ha mision. El espresado terreno será de dos sitios poco ma como lo manifiesta el plano en todo lo que inscribe la linea encarnada; todo con el objeto de que V. S. en uso de sus atribuciones y facultades, me conceda la propiedad del mencionado terreno, con lo q'l me considerare bastante agraciado. Por tanto A. V. S. suplico difiera ami solicitud por ser de justicia que pido juro no ser de malicia y lo necesario, &a.

P'to de Monterrey, 30 de Mayo, de 1833.

FRANC'O PEREZ PACHECO.

MONTERREY, *Mayo* 30, *de* 1833.

De conformidad con las leyes de la materia informe el ayuntamiento de esta capital si el interesado en este instancia obtiene los requisitos prevenido para ser, atendido en su solicitud si el terreno q'l pretende esta comprendido en las 20 leagues, limitrofes ó diez litorales q'l espresa la ley de 18 de Agosto, de 1824, se ha pretenecido ó pertenece á propiedad particular, corporation o pueblo, si se conoce por valdio, si la calidad del terreno es de regadio temporal ó de abrevadero con todo lo demas q'l sea conserniente á illustrar la materia.

3 S. D. K.

El s'or gefe superior politico de este territorio, asi lo mando, decreto y firmo, de q'l doy fé.

FIGUEROA.
AGUSTIN V. ZAMORANO, *S'rio.*

En sesion de este dia se dio cuenta con este espediente al y ayuntamiento de este capital, y se mando pasar á la comision de colonization y terrenos valdios.

Monterrey, Junio 1o, de 1833.

JOSE MARIA MALDONADO, *S'rio.*

[*For map see original, page* 19.]

5 S. D. K.

En quatro dias del mes de Octubre, del año mil ochocientos treinta y dos habiendo solicitado á los P. P. Ministros de esta mision de Sn.

Juan Bauta., Don Franco. Perez Pacheco, el sitio de la Cañada de los Osos y la Poza de los Ansaymas, pa. sembrar, y poner su ganado sele consedernos en los mismos terminos ql. á Anto. German el sitio de Surestac hasta la resolucion del gobierno pr. no necesitarlo la mision para ql. conste lo firmo.

Fr. FELIPE ARROYO.

6 S. D. K.—Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey, para los años de mil ochocientos treinta y tres, y mil ochocientos treinta y cuatro.

JOSE RAFAEL GONZALES.

FIGUEROA.

Y. Ayuntamiento:

La comision especial encargada de abir dictamen sobre colonizacion y terrenos valdios, á visto con determiniento la solicitud del Ciudo. Franco. Perez Pacheco, y decreto que la acompaña no obstante carecer de luces pa. obrar con acierto en la materia refleciona lo siguiente:

Que el solicitante es Ciudo. Mejicano, que el sitio ql. pretende no esta comprendido en las veinte leguas limitrofes ni en las diez litorales ql. expresa la ley de 18 de Agosto, de 1824. Que el terreno ql. demuestra el diseño por el nombre los Ansaymas y Cañada de los Osos, se usa como pertenencia de la mision de Sn. Juan Bautista, pero segun lo manifesta el R. P. Ministro que fue de aguella no es muy util á ella y lo deja á la deliveracion del supremo gobierno como aparece, en el documento espedido al interesado sin embargo de estar estendido en papel comun. Que el sitio indicado no es de regadio sino temporal y abrevadero, por tanto ofrece á la deliveracion de esta Y. Corporacion las siguientes proposiciones:

1o. Puede concedercele el paraje pretendido el Ciudo. Francisco Perez Pacheco previo el consentimiento de los R. R. P. P. de la mision de Sn. Juan Bautista, nombrado los Ansaymas y Cañada de los Osos.

2o. Que verificado esto quede en su antiquo estado el que actual y provicionalmente posee.

3o. Ql. se repongà el consentimiento de los padres de la mision de Sn. Juan Bautista, con papel del sello tercero.

JOSE AVILA,
JOSE ANTONIO ROMERO.

Monterrey, Junio 8, de 1833.

7 S. D. K.

S'or Gefe Superior Politico:

El Y. Ayuntamiento de esta capital con el objeto de dar, á V. S. el informe que se sirve pedir en su superior decreto del 31 del pp'do, paso la presente solicitud á la comision permanente de colonizacion y terre-

nos valdios quien presentio el dictamen ql. antecede, y aprovado, asi como las tres proposiciones en que concluye; y como su contenido es lo ql. en el particular deve informar esta corporacion, lo reproduce en todas sus partes devolviendo á V. S. este espediente en cumplimiento de lo acordado en sesion del dia.

MARCELINO ESCOBAR.
JOSE MARIA MALDONADO, *S'rio.*

Monterrey, Junio 8, de 1833.

[8 S. D. K.]

Mon—

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterrey, para los años de mil ochocientos treinta y tres, y mil ochocientos treinta y cuatro.

FIGUEROA. JOSE RAFAEL GONZALES.]

—terey, Junio 11, de 1833.

Ynforme el Reverendo Padre Ministro de la mision de San Juan Bautista.

FIGUEROA.

En cumplimiento del decreto q'l antecede del s'or comandante general y gefe politico del Territorio, marcado en este espediente en 31 de Mayo, de 1833, debo decir como ministro de la mision de S. Juan Bautista: Que el paraje q'l solicita el alferez honorario de ejercito, ciudado. Franco. Pacheco, nombrado Los Ansaymas, no hay enbarazo en que se la conceda d'ho sitio; contal de que el arroyo del Rancho de S. Felipe, sea el lindero q'l divida el sitio solicitado, y los terrenos de esta mision.

Mision de S. Juan Bautista, Junio 15, de 1833.

Fr. JOSE ANTO. DE ANZAR.

9 S. D. K.

MONTERREY, *Junio 24, de* 1833.

Pase al alcalde, constitucional de esta capital, ante quien la parte producira una informacion de testigos quienes seran interrogados sobre los puntos siguientes: Primero, si conocere al alferez Don Francisco Pacheco, si es Mejicano por nacimiento, si ha servirdo á la nacion en la carrera militar, si tiene buena conducta, si es casado y tiene hijos. Segundo, si tiene vienes de campo conocidos y en que numero Tercero, si el terreno que pretende es valdio ó pertenece a algun Rancho Nacional, ó persona particular, mision ó pueblo; si es de regadio, temporal o abrevadero, y que estencion tiene. Evacuada la diligencia buelva el espediente, el s'or gefe superior politico, asi lo mandó, decretó y firmo, de que doy fé.

FIGUEROA. AGUSTIN V. ZAMORANO, *S'rio.*

MONTEREY, *Junio* 28, *de* 1833.

Notifiquese al interesado en esta instancia presente los testigos q'l se han de exsaminar sobre los puntos que comprende el superior decreto del 24 del corr'te q'l antecede. Asi yo el Alcalde lo decrete, mandé y firme, con los de as'a.

Fr. MARCELINO ESCOBAR.

De as'a: JOSE MARIA MALDONADO,
De as'a: YGNO. AZEDO.

En— [10 S. D. K.]

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterrey, para los años de mil ochocientos treinta y tres, y mil ochocientos treinta y cuatro.

FIGUEROA. JOSE RAFAEL GONZALES.]

—la fecha presente el C. Francisco Pacheco, se le notifico el auto que antecede, y de el entendido dijo, lo oye y que presenta para ql. sean examinados a los cind'ds Graciano Manjarres, Santiago Estrada, y Juan B. Alvarado, y lo firmo, con migo y los de asistencia.

M. ESCOBAR,
FRANCO. PEREZ PACHECO.

De as'a: JOSE MARIA MALDONADO.
De as'a: YGNO. AZEDO.

En la fecha presente Graciano Manjarres testigo presentado por el interesado en esta instancia le recivi el juram'to ql. hizo en forma de d'ro, por el cual ofrecio decir verdad en lo ql. supiere y fuese preguntado y siendo lo por su nombre, estado empleo patria y religion dijo: llamarse como queda dicho, ql. es casado, de oficio, labrador natural del puebla de Acaponeta y avecindado en esta hace catorce años, y C. A. R. Preguntado por el interrogatorio que se relaciona, en el antecedente superior decreto dijo:

A lo 1o: Que conoce perfectamente al Alferes Fran'co Perez Pacheco, que es Mejicano por nacimiento; que ha servido en la carrera militar, de cabo de obreros en la artilleria; que tiene buena conducta; que es casado y tiene tres hijos varones y tres mugeres y dijo.

A lo segundo: Que tiene bienes conocidos en cantidad de mil reses mas ó menos, y tres manadas y dijo.

A lo tercero: Que no save mas acerca de lo que se le pregunta que ha oido decir ql. el terreno ql. pretende, pertenece a la mision de S. Juan Bautista; que dicho terreno es, de regadio de temporal y abrevadero, y ql. la estencion que tendra asu conocim'to dos leguas; que lo dicho es la verdad á cargo del juramento ql. tiene echo en el que se afirmo y ratifico leida que le fue esta su declaracion y no firmo por no saber, lo hice yo y los de as'a.

M. ESCOBAR.

De as'a: JOSE MARIA MALDONADO,
De as'a: YGN'O AZEDO. [11 S. D. K.

En el mismo dia, mes y año, presente el ciudadano Santiago Estrada, testigo presentado por la parte interesado le recivi yo el alcalde el juramento de estilo pr. el cual ofrecio decir verdad, en lo ql. supiere y fuere preguntado y siendola por su nombre, estado, edad empleo, patria y religion dijo: llamarse como queda dicho, ser casado, de veinte y seis años de edad, que es sindico del A—

[12 S. D. K.]

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterrey, para los años de mil ochocientos treinta y tres, y mil ochocientos treinta y cuatro.

FIGUEROA. JOSE RAFAEL GONZALES.]

—yuntamiento de esta capital, natural de la misma y C. A. R.

Preguntado por el mismo estilo ql. lo fúe el anterior dijo.

A lo primero: Que conoce al C. Francisco Pacheco, que es Mejicano por nacimiento; que la servido á la nacion en la carrera militar en el cuerpo de artilleria; que tiene buena conducta; que es legitimam'te casada y tiene seis hijos de ambos sexos, y dijo.

A lo segundo: Que tiene bienes de campo conocidos consistentes en numero de mil reces poco mas ó menos, y tres manadas de lleguas, y dijo.

A lo tercero: Que el terreno ql. pretende es valdio; pero save pertenece á la mision de S. Juan Bautista; que dicho terreno lo conoce mas de temporal y abrevadero ql. de regadio y ql. ignora su estencion pr. no saber cuales son los linderos de donde pide; que lo dicho es la verdad á cargo del juram'to ql. tiene hecho en el ql. se afirmó y ratificó. leida, ql. le fue esta su declaracion, y la firmó con migo y los de as'a.

M. ESCOBAR,
SANTIAGO ESTRADA.

De as'a.: JOSE MARIA MALDONADO,
De as'a.: YGN'O AZEDO.

13 S. D. K.

En la misma fecha presente el C. Juan B. Alvarado, testigo presentado pr. el C. Pacheco, le recivi yo el alcalde el juramento q. hizo en forma de derecho por el cual ofrecio decir verdad en lo que supiere y fuere preguntado, y siendolo por su nombre, estado, edad, oficio, y religion dijo; llamarse como queda dicho soltero de veinte y cinco años, secretario de la diputacion, natural de esta capital, y C. A. R.

Preguntado por el mismo interrogatorio que lo fueron los dos testigos antecedentes dijo:

A lo primero: Que conoce perfectamente al C. Francisco Pacheco, que es Mejicano por nacimiento; ql. lo conoció empleado de obero en el cuerpo de artilleria, y ql. por lo mismo concidera ql. ha servido en la carrera militar; que la conducta ql. le ha observado es buena; que es casado y tiene seis hijos, y dijo.

A lo segundo: Que bienes de campo le conoce el numero de mas de mil reses y dos ó tres manadas, y responde.

A lo tercero: Que ignora absolutamente si pertenece el terreno que pretende á algun Rancho Nacional ó particular mision o pueblo, y q'l lo conoce por valdio; q'l la estencion q'l tiene tambien lo ignora; que lo dicho es la verdad á cargo del juramento que tiene hecho en el q'l se afirmó y ratifico leida que—

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterrey, para los años de mil ochocientos treinta y tres, y mil ochocientos treinta y cuatro.

FIGUEROA. JOSE RAFAEL GONZALES.]

—*que* le fue esta su declaracion y la firmó, con migo y los de asistencia.

M. ESCOBAR,
JUAN B. ALVARADO.

De ass'a: JOSE MARIA MALDONADO,
De ass'a: YGNO. AZEDO.

14 S. D. K.

MONTEREY, 29 *de Junio, de* 1833.

Estando concluida la informacion q'l se pide en el superior decreto q'l antecede en esta, y en las dos antecedentes f's de papel correspondiente, de vuelvase el espediente al s'or gefe superior politico, previa la reposicion del papel en el consentimiento de los R. R. P. P. de S. Juan Bautista. Asi yo el alcalde lo decretó, mando y firmo, con los de ass'a.

Fr. MARCELINO ESCOBAR.

De as'a: JOSE MARIA MALDONADO,
De as'a: YGNO. AZEDO.

15 S. D. K.

MONTERREY, *Nov'e* 21, *de* 1833.

Vista la petition con q'l da principio este espediente el informe de la autoridad municipal de esta capital, certificado y informe de los padres ministros de la mision de San Juan Bautista; las esposiciones de testigos con todo lo demas q'l se tubo presente y ver convino; de conformidad con lo dispuesto por las leyes y reglamentos de la materia se declara á Dn. Francisco Pacheco, dueño en propiedad del terreno conocido con el nombre de las Ansaymas, colindante al sur con la mision de Sn. Juan Bautista, al œste con el rancho de Sn. Ysidro, y al norte y al este con la sierra, sujeto a las condiciones q'l se estipularen librese el despacho correspondiente tomese razon con el libro respectivo y dirijase este espediente, para la devida aprovacion á la ex'ma diputacion territorial en cuyo caso el interesado, a quien sele hara saber este decreto presentara nuevamente su titulo para q'l se revalide.

El s'or gefe supr. politico Dn. José Figa., y comandante gen'l, ynspr. de la Alta California, asi lo mandó, decreto y firmó, de q'l doy fé.

JOSE FIGUEROA,
AGUSTIN V. ZAMORANO, *S'rio.*

16 S. D. K.

En—

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterrey, para los años de mil ochocientos treinta y tres, y mil ochocientos treinta y cuatro.

FIGUEROA. JOSE RAFAEL GONZALES.]

—26 de Noviembre del mismo año, habiendo comparecido el interesado en la secreta. de mi cargo se le hizo saver el decreto de 21 del corriente del s'r. gefe superior politico y enterado de el; dijo q'l lo oye y de quedar conforme lo firmo conmigo pa. la devida constancia.

FRANCO. PEREZ PACHECO.
AGUSTIN V. ZAMORANO, *S'rio.*

17 S. D. K.

José Figueroa, Gen'l de Brigada de los Ejercitos Nationales Mejicanos, Comandante Gen'l, Ynspector y Gefe Sup'r Politico del Territorio de la Alta California:

Por cuanto D. Francisco Perez Pacheco ha pretendido p'a su veneficio personal y el de su familia el terreno conocido con el nombre de los Ansaymas, colindante con la mision de S. Juan B'ta, rancho de S'n Ysideo y la Sierra; practicadas previamente las diligencias y averiguaciones consernientes segun lo disp'to por leyes y reglamentos, usando de las facultades que me son conferidas en decreto de 21, del corriente a nombre de la nacion Mejicana, he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras; entendiendose d'ha concesion con entera conformidad a lo dispuesto p'r las leyes á reserva de la aprovacion á des aprovacion de la ex'ma diputacion territorial, y del supremo gobierno y bajo las condiciones siguientes:

1a. Que se sometera a las que establecire el reglamento que se ha de formar p'a la distribucion de terrenos valdios, y que entre tanto ni el agraciado ni sus herederos podran dividir ni enagenar el que se le adjudica, imponer censo vinculo, fianza, hipoteca ni otro gravamen aunq'e sea p'r causa pia dosa ni pasarlo amanos muestas.

18 S. D. K.

2a. Podra cercarlo sin perjudicar las travecias caminos y servidumbres se disfrutara libre y esclusivamente destinandolo al uso ó cultivo q'l mas le acomode; pero dentro de un año a lo mas fabricara casa, y estara habitada.

3a. Cuando selé confirme la propiedad solicitará del jues respectivo q'l le de posesion juridica en virtud de este despacho, p'r el cual se de-

marcaran los linderos en cuyos limites pondra á mas de las mohoneras algunos, arboles, frutales ó silvestres de alg'a utilidad.

4a. El terreno de que se hace donacion es de dos sitios de ganado mayor, poco mas ó menos segun esplica el diseño que corre en el espediente. El juez que diere la posecion lo hará medir conforme á ordenanza, p'a señalar los linderos, quedando el sobrante q'l resulte á la nacion p'a los usos convenientes.

5a. Si contraviniere á estas condiciones perdera su derecho al terreno y sera denunciable p'r otro.

En consecuencia mando q'l sirviendole de titulo el presente y teniendose por firme y valedero se tome razon en el libro á que corresponde y se entreque al interesado p'a su resguardo y demas fines.

Dado en Monterrey, á 26 de Nov'e, de 1833.

J. FIG'A,
A. V. ZAM'O, S'R.

19 S. D. K.

Las comisiones de colonization y terrenos valdios, a quienes se paso el espediente cuya formacion provocó p'r pretencion q'l el ciudadano Francisco Perez Pacheco, hizo del parage nombrado Ansaymas, lo han ecsaminado con la circunspeccion, que corresponde, teniendo al mismo tiempo presente la ley de 18 de Agosto, de 1824, sus concordantes y las disposiciones generales que en 24 de Noviembre, de 1828, dicto el supremo gobierno de la nacion, p'a el mejor cumplimiento de la primera. Del examen del espediente se ha penetrado la comision de la opinion q'l ya tenia de la escrupulosidad y tino con que el s'or gefe politico lo mando instruir; de sueste q'l ni en su formacion se estrabia algun requisito esencial ni de los practicados. Por lo dicho concluye, la comision ofreciendo a la deliveracion de esta ex'ma diputacion la siguiente proposicion:

1o. Se aprueba la consecion hecha al ciud'o Franco. Perez Pacheco del paraje nombrado Ansaymas, concedido en 26 de Noviembre, de 1833, de entero conformidad con lo proveido en la ley de 12 de Agosto, de 1824, y el articulo 5o del reglamento de 21 de Noviembre, de 1828.

Monterrey, Mayo 30, de 1834.

JOSE J. ORTEGA,
CARLOS ANTO. CARRILLO,
JOSE A. ESTUDILLO,
JOSE CASTRO.

20 S. D. K.

MONTERREY, 17 *de Mayo*, de 1834.

En sesion de este dia se aprovó, por la ex'ma deputacion la proposicion del dictamen antecedente, mandando se devuelva el expediente al s'or gefe supr. polito., para los fines consiguientes.

JOSÉ FIGUEROA. JUAN B. ALVARADO,
Secret'o.

21 S. D. K.

Mon—

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterrey, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

FIGUEROA. RAFAEL GONZALES.]

—terrey, Junio 11, de 1834.

En vista de la aprovacion otorgada en 17 de Mayo ultimo, por la escelentisima diputacion territorial, librese testimonio de ella y de este decreto a la parte de D. Franco. Perez Pacheco, en confirmacion a la consecion del terreno de los Ansaymas que obtuvo en 21 de Noviembre, de 1833. El S'or Don José Figueroa, general de brigada, comandante general, ynspector y gefe superior politico del Territorio de la Alta California, asi lo mandó, decretó y firmó, de que doy fé.

JOSE FIGUEROA.
AGUSTIN V. ZAMORANO, *S'rio.*

22 S. D. K.

Testimonio.

Se aprueva la concecion hecha al ciud'o Fran'co Perez Pacheco, del paraje nombrado Ansaymas, concedido en 26 de Noviembre, de 1833, de entera conformidad con lo prevenido en la ley de 18 de Agosto, de 1824, y el art'o 5o. del reglamento de 21 de Noviembre, de 1828.

MONTERREY, 17 *de Mayo, de* 1834.

En sesion de este dia se aprova pr. la ex'ma diputacion territorial la proposicion del dictamen antecedente, mandando se devuelva el espediente al s'r gefe sup'r politico, pa. los fines consiguientes.

JOSE FIGUEROA.
JUAN B. ALVARADO, *Sec'o.*

MONTERREY, 11 *de Junio, de* 1834.

En vista de la aprovacion otorgada en 17 de Mayo ult'o, por la ex'ma diputacion territorial, librese testimonio de ella y de este decreto a la parte de D. Fran'co Perez Pacheco, en confirmacion a la consecion del terreno de los Ansaymas, ql. obtuvo en 21 de Noviembre, de 1833. El S'r de José Figueroa, general de brigada, coman'te gl. inspector, y gefe superior politico del Territorio de la Alta California; asi lo mandó, decretó y firmó, de que doy fé.

JOSE FIGUEROA.
AGUSTIN V. ZAMORANO, *S'rio.*

23 S. D. K.

Concuerda á la letra con su original del cual hise sacar el presente testimonio p'a resg'o del interesado, en Monterrey á once de Junio, de mil ochocientos treinte y cuatro, siendo testigos los ciud's Ag'n V. Zamorano, Bernado Navarrete, de esta vecindad.

24 S. D. K.

Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterrey, de la Alta California, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

CASTRO. ANGEL RAMIREZ.

Revalidado para el bienio de 1836 y 1837.

GUTIERRES. A. RAMIREZ.

25 S. D. K.

S'or Gefe Politico:

El C'no Francisco Pacheco, haute la notoria justificacion de V. S. hase presente ql. no teniendo suficiente estencion el terreno que posee conocido con los nombres de Ansaymas, S'n Felipe y Guadalajara, pa. contener el ganado de su propiedad y allandose al norte un terreno valdio cuya estension sera de dos leguas poco mas hace á d'ho rumbo d'ha el pie de la cuesta de la Sierra, ql. para pa. S'n Luis Gonzaga i de oriente á poniente la misma extension del terreno ql. se le tiene concedido. El terreno que solicito es des igual, no pertenece á propiedad particular ni corporacion alguna pr. allarse mas distante del que posée é lindar por N. E. é O., con terrenos de igual clase por lo ql. haciendo cargo del adjunto diseño A. V. S. suplico se sirve consederme esta ampliacion ql. solicito pr. los motivos espuestos al terreno ql. poseo mandando se me estienda nuevo titulo pa. ql. devidamente acompaño el que se halla en mi poder, favor i justicia ql. espera mereser de V. S.

Monterrei, Febrero 1o., de 1836.

FRAN'CO PEREZ PACHECO.

MONTERREI, *Febrero* 5, *de* 1836.

Agreguese al expediente ql. refiere é con todo de se cuenta pa. resolver. GUTIERRES.

26 S. D. K.

Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterrey, de la Alto California para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

ANGEL RAMIREZ.

CASTRO.

Revalidado para el bienio de 1836 y 1837.

A. RAMIREZ.

GUTIERREZ.

FEBRERO 6, *de* 1836.

En vista del espediente que antecede del terreno que D. Franco. Pacheco, tiene concedido é de la esposicion que hace en solicitud de

poco mas de dos lequas al norte de su propiedad, por los motivos que espone en su precedente escrito é estando plenamente convencido de que el terreno solicitado no pertenece á propiedad alguna é es valdio he viendo por decreto de este dia en acceder á su solicitud en atencion á sus servicios é a su laboriosedad, concediendole las dos lequas de ampliacion ql. solicita al norte del terreno q'l ya posee. Estiendasele nuevo titulo comprehendiendo la ampliacion, espesifiquese en el diseño é reservere el espediente pa. la deliveracion de la E. diputacion el S. D. Nicolas Gutierrez, gefe politico interino de esta Alta California, asi lo mando, decreto é firmo, de lo ql. certifico.

NICOLAS GUTIERREZ.

FR'O DEL CASTILLO NEGRETE,
S'rio.

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, Surveyor General of the United States for the State of California, and as such now having in my office, and under my charge and custody, a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the preceding and hereunto annexed twenty-six pages of tracing paper, numbered from one to twenty-six, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents now on file and forming part of the said archives in my office.

In testimony whereof, I have hereunto signed my name officially, and affixed my private seal, (not having a seal of office,) at the city of San Francisco, Cal., this 13th day of February, 1852.

[S. D. K.]

SAM'L D. KING,
Sur. Gen'l, Cal.

Filed in office, Feb'y 24th, 1852.

GEO. FISHER, *Sec'y.*

Proceedings in relation to the place called "Los Ansaymas," solicited by Dn. Francisco Perez Pacheco, for his occupation of the same, and his own benefit.

149.

Translation of Expediente.

To his honor the Superior Political Chief:

I, the citizen, Francisco Perez Pacheco, of the city of Guadalajara, capitol of the State of Talisco, brevet 2d lieutenant of cavalry in the army, and commanding officer in the custom-house of this port, whose calling is that of an agriculturist, before your honor, make my application, and say: That desiring, on my part, to comply with the wishe- of the government to which I belong, which it had in view when its issued the sovereign decree of Aug. the 18th, of the year 1824, I have

come to the determination of investing my property and labor in the tract of land called Los Ansaymas and Cañada de los Osos, for which I address this memorial to Y. H., accompanying as I do the sketch required by article the 2d of the provisions in conformity with the aforementioned law, issued by the superior government on the twenty-fourth day of Nov. of 1828, and I likewise enclose the accompanying unanimous consent of the father the minister of the mission of San Juan Bautista, which he thought fit to concede to me provisionally until Y. Honor's decision should be known, because the lands border on said mission. The aforementioned tract of land may be somewhat more than two square leagues, (sitios,) as it appears from the sketch in all that is comprised within the red line; all of it with the object that your honor, in the exercise of your attributes and authority, may grant me the aforementioned tract of land, in which I will consider myself highly favored.

Therefore, I beg y. honor to accede to my request, which is a just one, making oath it is not made in malice; and whatever else may be deemed necessary.

Port of Monterey, May 30th, 1833.

(Sgd.) FRANCISCO PEREZ PACHECO.

MONTEREY, *May* 31*st*, 1833.

In conformity with the laws on the matter, let the ayuntam'to of this capital report as to whether the party concerned in the memorial possesses the necessary requisites for his request; whether the tract of land, the grant of which he solicits to obtain, is comprised within the 20 border leagues or the 10 litoral leagues mentioned in the law of Aug. the 18th, 1824; whether it has belonged or does belong to any private corporation or town property; if it is unoccupied; whether the land is irrigable temporal, (i. e. depending on the seasons;) whether it has any watering places rendering it fit for the keeping of cattle, together with whatever may be convenient to report by way of illustrating the matter.

His honor, the sup'or political chief of this territory, thus ordered, decreed and signed, which I attest.

(Sgd.) FIGUEROA.

(Sgd.) AGUSTIN V. ZAMORANO, *Secretary.*

In their session of to-day, these proceedings were reported to the ayuntam'to of this capital, and it was ordered to refer it to the committee on colonization and public lands.

Monterey, June 1st, 1833.

(Sgd.) JOSE MARIA MALDONADO, *Secretary.*

On the fourth day of the month of October, of the year 1832, Don Franc'o Perez Pacheco, having solicited of the fathers the ministers of the mission of San Juan Bautista, "la Cañada de los Osas," and "la Posa de los Ansaimas," or Ansarinas, "for the purpose of sowing and put some cattle thereon, we granted it to him on the same terms as we

did to Antonio German the site of Suristen," until government decide on the subject, because the mission is not in want of it now; in evidence whereof I sign this.

(Sgd.) FRAY FELIPE ARRŒJO.

Illustrious Ayuntamiento:

The special committee to whose care is intrusted the opinions on colonization and public lands has duly considered the memorial of the citizen Franco. Perez Pacheco, and the decree accompanying it, and notwithstanding the committee is wanting the information to act advisedly in the matter, *the* offer the following reflections:

That the memorialist is a Mexican citizen; that the location, the grant of which he wishes to obtain, is not comprised within the twenty border leagues, nor within the ten "littoral" leagues mentioned in the law of Aug. the 18th, 1824; that the tract of land exhibited in the sketch by the name of "Los Ansaymas y Cañada de los Osos" was considered as appertaining to the mission of San Juan Bautista, but as is shown by the late rev. father, the minister of that mission, that it is not of much use to the mission, leaving it to the deliberation of the supreme government, as it appears by the document issued to the party concerned, although it is couched on common paper. That aforementioned place is not irrigable, but simply temporal, or depending on the seasons, and containing some watering places. Therefore the committee submits to the deliberation of this illustrious corporation the following propositions:

1st. The place solicited by the citizen Franco. Perez Pacheco, called "Ansaymas y Cañada de los Osos," can be granted to him with the previous consent of the rev. the fathers of the mission of San Juan Bautista.

2d. That having accomplished this, the lands of which he is at present in possessional possession, are to remain in their former state.

3d. That the consent of the fathers of the mission of San Juan Bautista is to be replaced on stamped paper, bearing the stamp of third seal.

Monterey, June the 8th, 1833.

(Sgd.) JOSE AVILA,
(Sgd.) JOSE ANTO. ROMERO.

To his Honor the Superior Political Chief:

The illustrious ayuntam'to of this capital, with a view of furnishing y. honor with the report that it pleased y. honor to demand by means of your honor's superior decree of the 31st ult., the present memorial was referred to the permanent committee on colonization and public lands, who delivered the proceeding opinion, which being approved of, together with the three concluding propositions, and as its purport and contents constituted the information that this corporation is to furnish

on the subject, they send back to your honor these proceedings, in fulfilment of their decision of to-day.

(Sgd.) MARCELINO ESCOBAR,
(Sgd.) JOSE MARIA MALDONADO,
Secretary.

Monterey, June the 11th, 1833.

Let the rev. father, the minister of the mission of San Juan Bautista, report on the same.

(Sgd.) FIGUEROA.

In obedience to the proceeding decree of the commandante general and political chief of the Territory, shown in these proceedings of the 31st day of May, 1833, I must say, as minister of the mission of San Juan Bautista, that there is no impediment in granting to the honorary 2d lieutenant of the army, citizen Francisco Pacheco, the place aforementioned of "Los Ansaymas," provided the creek of the rancho de San Felipe be the dividing line between it and the land belonging to the mission of San Juan Bautista.

June the 15th, 1833.

(Sgd.) FRAY JOSE ANTONIO DE AMER.

MONTEREY, *June the 24th*, 1833.

Let it be referred to the constitutional alcalde of this capital, before whom the party is to produce such information of witnesses as may be asked on the following points:

1st. Whether they know 2d lieutenant Dn. Franco. Pacheco; whether he is a Mexican by birth; whether he has served the nation in the military career; whether he is a man of good character; whether he is a married man and has children.

2d. Whether he has any known personal property, and of what character.

3d. Whether the tract of land, the grant of which he requests, is unoccupied; whether it belongs to any rancho of the nation, any private party, mission, or town; whether it is irrigable, temporal, or whether it is naturally supplied with watering places, and what is the extent of said land; after accomplishing which these proceedings shall be returned. Thus did the political superior chief command, decree, and sign, which I attest.

FIGUEROA.
AUGUSTIN V. ZAMORANO,
Secretary.

Fees $2 00.

MONTEREY, *June 28th*, 1833.

Let it be notified to the party concerned in this memorial, that he is to bring forward the witnesses that *that* are to be examined on the particulars specified in the superior decree of the 24th instant; I, the

alcalde, did order, decree, and sign it, together with the assistant witnesses.

(Sgd.) MARCELINO ESCOBAR.
(Sgd.) JOSE MARIA MALDONADO, assistant witness.
(Sgd.) IGNACIO AREDO, assistant witness.

Under date of this day, the citizen Franco. Pacheco being present, the proceeding judicial decree was notified to him, and after due understanding of it he said that he has listened to it and is aware of its purport, and that he presents for examination the citizens Gracian Manjarres, Santiago Estrado, and Juan B. Alvarado; and he signed this, together with me and my assistant witnesses.

(Sgd.) M. ESCOBAR,
(Sgd.) FRANCISCO PEREZ PACHECO.
Assistant witness: (Sgd.) JOSE M. MALDONADO,
Assistant witness: (Sgd.) IGNACIO AREDO.

Under date of this day, Graciana Manjarres was presented by the party concerned in this memorial, and was sworn by me according to the usual legal forms, whereby he offered to say and speak the truth to the amount of his knowledge in answer to any questions put to him; and being interrogated concerning his name, state or condition, whether single, married or widower, employment, country, and religion, he said that his name is the same already mentioned, that he is a married man, by trade a farmer, a native of the pueblo de Acaponeta, and residing in it these fourteen years, and he is an apostolic Roman catholic.

The deponent being interrogated in the order and to the purport designed in the interrogatory specified in the preceding superior decree, he said in answer to the 1st, that he is perfectly well acquainted with the 2d Lieutenant Franco. Perez Pacheco, that the latter is a Mexican by birth, that he has served in the military career as an overseer of the workmen in the artillery, that he is a man of good conduct, that he is married, and has three male and three female children.

To the 2d particular he said in answer, that he is the owner, as is known, of one thousand head of cattle, more or less, and three flocks.

To the 3d particular he said in answer, that he does not possess any more information on the subjects in question, that he has heard it said that the land petitioned for belongs to the mission of San Juan Bautista, that the said land is partly irrigable, partly dependent on the seasons for culture, and partly also for grazing land; and that to the best of his knowledge it is about two leagues; that which he has said is the truth, bound as he is to speak it in virtue of his oath, which he confirmed and ratified after the deposition was read to him; and he did not sign, because he knew not how, but I and my assistant witnesses did sign.

(Sgd.) M. ESCOBAR.
Ass. witness: (Sgd.) JOSE MA. MALDONADO,
Ass. witness: (Sgd.) IGNACIO AREDO.

On the same day, month, and year, the citizen Santiago Estrado, a witness presented by the party concerned, by me sworn, made oath to speak the truth, to the best of his knowledge, in answer to any questions to be put to him, and being interrogated as to his name, condition, whether married or otherwise, age, employment, country, and religion, he said that his name is the same mentioned above; that he is a married man, twenty-six years of age; that he is the attorney of the ayuntamiento of this capital, a native of the same, and a Roman Catholic. Being interrogated after the same manner as the former deponent, he said: As to the 1st question, that he knows the citizen Francisco Pacheco; that the latter is a Mexican by birth; that he has served the nation in the military career, in the artillery corps; that he is a man of good conduct; that he is lawfully married, and that he has six children of both sexes.

As to the second particular he said, that the party owns stock to the amount of one thousand head, more or less, and three herds of mares; and as to the 3d particular he said, that the land, the grant of which he solicits, is unoccupied, but he knows that it belongs to the mission of San Juan Bautista; that he knows it as temporal or depending on the seasons, and containing water places, rather than as irrigable land; that he does not know the extent of said land, because he does not know the boundaries asked for; that all that he has said is the truth, as he is to speak it under oath, which he confirmed and ratified after hearing this deposition read, which he signed, together with me and my assistant witnesses.

(Sgd.) M. ESCOBAR,
(Sgd.) SANTIAGO ESTRADO.

Ass. witn.: (Sgd.) Jose Ma. Maldonado,
Ass. witn.: (Sgd.) Ignacio Aredo.

Under the same date, the citizen Juan B. Alvarado being present, who is a witness presented by the citizen Pacheco, I, the alcalde, took his deposition according to legal forms, whereby he offered to speak the truth, to the best of his knowledge, in answer to any questions put to him, and being interrogated as to his name, condition, age, trade, country, and religion, he said that his name is the same already mentioned; that he is a single man, and of the age of twenty-five years; secretary to the deputation, and a native of this capital, and a Roman Catholic. Being interrogated by the same questions made to preceding witnesses, he said to the first, that he is very well acquainted with the citizen Francisco Pacheco; that he is a Mexican by birth; that he knew him as workman or common hand in the artillery corps, and for that reason he considers him as having served in the military career; that conduct he had observed in him is good; that he is a married man, and has six children.

To the 2d he said, that he knows him to be the owner of stock to the amount of above a thousand head of cattle, and two or three manadas, herds or droves.

In answer to the particulars under the 3d head he said, that he is altogether ignorant whether the tract of land he requests belongs to any rancho of the nation, any private party, mission or town, and that he knows it to be waste land; that he is ignorant of its extent; that all he has deposed is the truth, bound as he is to speak it by the oath he has made, which he confirmed and ratified after having heard his deposition read, which he signed, together with me and my assistant witnesses.

(Signed) M. ESCOBAR,
(Signed) JUAN B. ALVARADO.
Ass. witness:
(Signed) JOSE M'A MALDONADO.
Ass. witness:
(Signed) IGNACIO AREDO.

MONTEREY, *June 29th*, 1833.

The information required by the preceding superior decree being ended, and comprised in the two preceding leaves of suitable paper, let the expediente be sent back to the s'or gefe superior politico, replacing beforehand the paper bearing the consent of rev. fathers of San Juan Bautista.

I, the alcalde, did order, decree and sign it thus, together with the assistant witnesses.

(Signed) MARCELINO ESCOBAR.
Ass. wit.: (Sg'd) JOSÉ M'A MALDONADO,
Ass. wit.: (Sg'd) IGNACIO AREDO.

MONTEREY, *November 21st*, 1833.

After due inspection of the memorial heading this expediente, the report of the municipal authorities of this capital, of the certificate and report of the fathers the ministers of the mission of San Juan Bautista, of the depositions of witnesses, and of all that was thought to bear in the case, in conformity with the laws and regulations on the matter, Dn. Franco. Perez Pacheco is hereby declared owner in fee of that tract of land known by the name of "Las Ansaymas," bounded on the south by the mission of San Juan Bautista, on the west by the rancho de San Ysidro, and the north and east by the sierra or ridge of mountains, subject to what conditions may be stipulated.

Let the corresponding patent be issued, let it be entered in the respective book of registry, and let these proceedings be transmitted for approval to the most excellent the deputation of the territory; in which case the party concerned, to whom this decree will be made known, shall exhibit again his title-deed, in order that it may be ratified and confirmed.

The Señor gefe superior politico, Dñ. José Figueroa, comandante general, inspector of Alta California, did order, decree and sign, which I attest in witness thereof.

(Sg'd) JOSE FIGUEROA.
(Sg'd) AGUSTIN V. ZAMORANO,
Secretary.

November 26th of the same year, the *the* party concerned having appeared in the secretary's office under my charge, he was made acquainted with the tenor of the decree of the 21st instant, issued by the s'or gefe superior politico, which being understood by him, he said he heard it, and having agreed to it and signed it, together with myself, in evidence thereof.

(Sg'd) FRANCISCO PEREZ PACHECO.
(Sg'd) AGUSTIN V. ZAMORANO,
Secretary.

José Figueroa, brigadier general nacionales Mexican armies, comandante general, inspector and superior political chief of the Territory of la Alta California:

Whereas, Dn. Francisco Perez Pacheco has solicited, for his personal benefit and that of his family, for the tract of land known by the name of "Las Ansaymas," bounded by the mission of San Juan Bautista, the rancho de San Isidro y la Sierra, or the ridge of mountains, all the requirements and investigations being previously complied with, agreeably to the laws and regulations on the subject, by virtue of the authority in me vested by the decree of the 21st instant, I have thought proper to grant him the aforementioned tract of land, declaring it to be his property by this patent; said grant to be understood to be in entire conformity with the laws, subject to the approval or disapproval of the most excellent territorial deputation and that of the supreme government, under the following conditions:

1st. That he is to submit to whatever conditions may be established by the regulation, or to be formed for the distribution of public lands; and that, in the meanwhile, neither the grantee nor his heirs shall have power to divide or alienate the tract of land hereby adjudged, nor shall he subject it to rent, entail, bond, mortgage, nor to any other encumbrance whatsoever, nor even though it be for charitable purposes, nor shall he convey it into mortmain.

2d. He may fence without obstructing crossings, roads and servitudes; he shall enjoy it freely and exclusively, appropriating it to the use or culture that may best suit his purposes, but, within a year at most, he shall build a house, which is to be inhabited.

3d. When the property may be confirmed to him, he is to request of the respective judge to give him juridical possession of it by virtue of this patent, by whom the boundaries shall be fixed, at the limits of which he is to set, besides the landmarks, some fruit trees, or else wild ones of some usefulness.

4th. The tract of land granted is of two square leagues, (sitios de ganado mayor,) a little more or less, as it appears from the sketch accompanying the proceedings. The judge who may give possession of it will cause it to be measured in conformity with ordinance, in order to mark the boundaries, leaving the surplus that may result to the nation for convenient purposes.

5th. Should he fail to fulfil any of these conditions he shall lose his right to the lands, which may be denounced by any other party.

Therefore I order that the present document answering the ends of a title-deed, and being held as firm and valid, the same be entered in the corresponding book, and be delivered to the party interested for his own security and other purposes.

Given in Monterey, Nov. 26th, 1833.

(Signed) JOSE FIGUEROA,
(Signed) A. V. ZAMORANO,
Secretary.

The committee on colonization and public lands, to whose inspection were referred the proceedings at the instance of the citizen Franc'o Perez Pacheco, soliciting to obtain the grant of the place called "Ansaymas," have examined it with all due circumspection, bearing, at the same time, in mind the law of Aug. the 18th, 1824, the other laws analogous to it, and the general instruction of the 24th of Nov., 1828, dictated for the better understanding and fulfilment of the former. From the examination of the proceedings, the committee have been fully convinced of the opinion they previously entertained with regard to the strictures and judgment with which the political chief ordered them to be instructed, for, indeed, neither in its formation nor in what was previously done, were overlooked any of the essential requisites. For the reasons alleged, the committee comes to a conclusion by offering to the deliberation of this most excellent deputation the following proposition:

1st. The grant made to the citizen Francisco Perez Pacheco, of the place called "Ansaymas," conceded on the 26th day of November, 1833, in entire conformity with the provisions of the law of Aug. the 12th, 1824, and the 5th article of the regulation of November the 21st, 1828, is approved of.

Monterey, March 7th, 1834.

(Signed) JOSE ESTUDILLO,
(Signed) JOSE J. ORTEGA,
(Signed) CARLOS ANT. CARMILLO,
(Signed) JOSE CASTRO.

MONTEREY, *May the 17th*, 1834.

In this day's session did the most excellent deputation approve of the proposition of the preceding opinion, ordering that the proceedings be returned to the s'or gefe superior politico for such purposes as may be deemed convenient.

(Sgd.) JOSE FIGUEROA,
(Sgd.) JUAN B. ALVARADO, *Secretary.*

MONTEREY, *June 11th*, 1834.

In view of the approval of the 17th of May ult. by the most excellent the deputation of the Territory, let due testimony of it and of this decree be issued to the party concerned, Don Francisco Perez Pacheco, in confirmation of the grant of the tract of land of "Los Ansaymas," which he obtained on the 21st day of November, 1833. S'or Dn.

José Figueroa, general de brigada, comandante general, inspector y superior political chief of the Territory of Upper California, thus ordered, decreed, and signed it, which I attest.

(Sgd.) JOSE FIGUEROA,
(Sgd.) AGUSTIN V. ZAMORANO, *Sec'y.*

The grant made to the citizen Franco. Perez Pacheco of the location designated as "Los Ansaymas," which was conceded on the 26th day of Nov., 1833, in entire conformity with the provisions of the law of August the 18th, 1824, and the 5th article of the regulation of Nov'r the 21st, 1828, is approved of.

MONTEREY, *May the* 17*th*, 1834.

In this day's session did the most excellent the deputation of the Territory approve of the proposition of the preceding opinion, ordering that the proceedings be returned to the sr. gefe superior politico for such purposes as may be deemed convenient.

(Sgd.) JOSE FIGUEROA,
(Sgd.) JUAN B. ALVARADO, *Secretary.*

MONTEREY, *June* 11*th*, 1834.

In view of the approval given on the 17th day of May ult. by the most excellent the deputation of the Territory, let a testimony thereof and of this decree be issued to the party concerned, Don Francisco Perez Pacheco, in confirmation of the grant of the tract of land of "Los Ansaymas," which he obtained on the 21st day of November, 1833. The Sr. Dn. José Figueroa, general de brigada, comandante general, inspector y gefe superior politico of the Territory of Upper California, did order, decree, and sign it to the purpose, and I bear witness thereof.

(Sgd.) JOSE FIGUEROA,
(Sgd.) AGUSTIN V. ZAMORANO, *Secretary.*

It is in literal accordance with the original thereof, from which I ordered the present testimony to be drawn for the security of the interested party, in Monterey, June 11th, 1834. The citizens Agustin V. Zamorano and Bernardo Naverete, both of this neighborhood, being witnesses.

S'or Political Chief:

The citizen Franco. Perez Pacheco, before your honor's notorious justice, represents, that inasmuch as the tract of land which he owns, known by the names of Ansaymas, San Felipe, and Guadalajara, is not sufficiently extensive to hold his own cattle, and that there is a tract of land on the north of it that is unoccupied, and the extent of which may be a little more than two leagues in the direction mentioned, as far as the base of the declivity of the Sierra, being towards San Luis Gonzaga, and from east to west the same extent as that of the tract of

land that has been already granted to him. This tract of land which I request is uneven, it does not belong to any private or corporation, because it lies farther than that already in my possession, bordering on the N. E. y W. on land of the same nature; and therefore I beg of your honor that taking due notice of the accompanying design, you be pleased to grant to me this addition to the land already in my possession for the motives already specified, ordering a new title may be issued, for which reason I transmit the title I had in my possession; which favor and justice I hope to merit from your honor.

Monterey, February the 1st, 1836.

(Sgd.) FRANCO. PEREZ PACHECO.

MONTEREY, *Febr. 25th*, 1836.

Let it be annexed and adjoined to the expediente relating thereunto, and of the whole let due report be made, so as to enable me to decide.

(Sgd.) GUTIERREZ.

FEBRUARY THE 6TH, 1836.

In view of the preceding espediente concerning the tract of land granted to Dn. Francisco Pacheco, and of the memorial made by him, soliciting the grant of a little more than two leagues towards the north of his property, and the motives which he shows in the preceding writing, and being fully convinced that the land he requests does not belong to any property and is unoccupied, I have thought it proper, by a decree of this day's date, to accede to his request, taking in consideration his services and assiduity, granting him the additional two leagues he solicits to the north of the tract of land already in his possession.

Let a new title-deed be issued to him, including the addition, let it be specified in the design, and let the expediente be kept for the deliberation of the excellent deputation.

Sr. Don Nicolas Gutierrez, political chief ad interim of the Upper California, thus did order, decree, and sign it, which I attest.

(Signed) NICOLAS GUTIERREZ.

(Signed) FRAN'CO DEL CASTILLO NEGRETE,
Secretary.

Filed in office, February 24th, 1852.

GEO. FISHER, *Secretary.*

Title D.

Sello Primero, [Place of the Eagle.] Seis Pesos.

Para los años de mil ochocientos veinte y siete. cientos veinte y seis y ocho-

Reabilitado para los años de mil ochocientos treinta y dos y treinta y tres.

FIGUEROA. J. B. GONZALEZ.

José Figueroa, general de brigada, de los ejercitos nacionales Mejicanos, comandante general, ynspector y gefe superior politico del Territorio de la Alta California:

Por cuanto Don Francisco Perez Pacheco, ha pretendido para su beneficio personal y el de su familia, el terreno conocido con el nombre de los Ansaymas, colindante con la mision de San Juan Bautista, rancho de San Ysidro y la Sierra, practicadas previamente las diligencias y averiguaciones consernientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas; en decreto de veinte y uno del corriente á nombre de la nacion Mejicana, he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras entendiendose dicha consecion con entera conformidad á lo dispuesto por las leyes, á reserva de la aprovacion ó desaprovacion de la ex'ma diputacion territorial y el supremo gobierno, y bajo las condiciones siguientes:

1a. Que se sometera á las que estableciere el reglamento que se ha de formar parà la distribucion de terrenos valdios, y que entre tanto ni el agraciado ni sus herederos, podran dividir ni enagenar el que se le adjudica imponer censo, vinculo, fianza, hipoteca ni otro gravamen, aunque sea por causa piadosa, ni pasarlo á manos muertas.

2a. Podra cercarlo sin perjudicar las travesias, caminos y servidumbres: lo disfrutarà libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode pero dentro de un año á lo mas fabricara casa y estara ha vitada.

3a. Cuando se le confirme la propiedad, solicitara del juez respectivo que le de posecion juridica en virtud de este despacho, por el cual se demarcaran los linderos en cuyos limites pondrá á mas de las mohoneras algunos, arboles, frutales ó silvestres de alguna utilidad.

4a. El terreno de que se hace donacion es de dos sitios de ganado mayor poco mas ó menos segun explica el diseño que corre en el espediente; el juez que diere la posecion la hara medir conforme á ordenanza para señalar los linderos, que dando el sobrante que resulte á la nacion para los usos conbenientes.

5a. Si contraviniere á estos condiciones, perdera su derecho al terreno y sera denunciable por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme, y valedero le tome razonde el en libro aque corresponde, y se entreque al interesado para su resguardo y demas fines.

Dado en Monterrey, á veinte y seis de Noviembre, de mil ochocientos treinta y tres.

JOSE FIGUEROA.
AGUSTIN ZAMORANO, *S'rio.*

Queda tomada razon en el libro de asientos de titulos sobre adjudicaciones de terrenos á fojas diez y seis numero catorce que obra en el archivo de la sec'a de mi cargo.

Monterrey, Noviembre veinte y seis, de mil ochocientos treinta y tres.
ZAMORANO.

En 31 de Mayo, paso á la comision de terrenos valdios.

MALDONADO, *S'rio.*

Filed in office, Dec'r 23d, 1852.

GEO. FISHER, *Sec'y.*

Approval.

Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterrey, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

FIGUEROA. RAFAEL GONZALES.

[Place of the seal—Gobierno Politico de la Alta California.] Se aprueva la consecion echa al Ciudadano Francisco Perez Pacheco, del paraje nombrado Ansaymas, concedido en veinte y seis de Noviembre, de mil ochocientos treinta y tres, de entera conformidad con lo prevenido en la ley de diez y ocho de Agosto, de mil ochocientos veinte y cuatro, y articulo quinto del reglamento de veinte y uno de Noviembre, de mil ochocientos veinte y ocho.

Monterrey, diez y siete de Mayo, de mil ochocientos treinta y cuatro. En sesion de este dia se aprovo por la ecselentisima diputacion Territorial, la proposicion del dictatum antecedente, mandando se devuelva el espediente al s'or gefe superior politico para los fines consiguientes.

JOSE FIGUEROA,
JUAN BAUTISTA ALVARADO, *Secretario.*

Monterrey, once de Junio, de mil ochocientos treinta y cuatro. En vista de la aprovacion otorgada en diez y siete de Mayo ultimo, por la ecselentisima diputacion Territorial, librese testimonio de ella y de este decreto á la parte, de Don Francisco Perez Pacheco, en confirmacion a la concecion del terreno de Los Ansaymas, que obtuvo en veinte y uno de Noviembre, de mil ochocientos treinta y tres. El Señor Don José Figueroa, general de brigada, comandante general, ynspector y gefe superior politico del Territorio de la Alta California, asi lo mando, decreto, y firmó, de que doy fé.

JOSE FIGUEROA,
AGUSTIN V. ZAMORANO,
Secretario.

Concuerda a la letra con su original del cual hize sacar el presente testimonio para resguardo del interesado, en Monterrey á once de Junio, de mil ochocientos treinta y cuatro, siendo testigos los ciudadanos Agustin V. Zamorano y Bernardo Navarrete de esta vecindad.

En testimonio de verdad.

JOSE FIGUEROA,
AGUSTIN V. ZAMORANO, *S'rio.*

Filed in office, Dec. 23d, 1852.

GEO. FISHER, *Sec'y.*

Juridical possession.

Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterrey, de la Alta California, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

CASTRO. ANGEL RAMIREZ.

S'or Alcalde Constitucional:

Franco. Perez Pacheco, ciud. Mejicano, dire: Que habiendo obtenido la concecion propria del terreno conocido con el nombre de los Ansaymas, occurre al pa. q. se sirva darle la posecion juridica conforme esta previendo en el articulo 5o del titulo de d'ho terre q. se me espidio con fecha 26 de Noviembre, de 1833, q. debidam'te acompaño, igualmente la conformacion respectiva y la debolucion de estos documentos para los usos q. me combengan. Por tanto, A. V. suplico se sirva ponerlo en la posesion q. solicita, de lo q. recibira merced y justicia.

Monterrey, Oct'e 20, de 1835.

FRANCO. PEREZ PACHECO.

MONTERREY, *Oct'e* 20, *de* 1835.

Por presentado y admitido; procedan á dar la posecion q. se solicita á cuyo efecto se señala en juebez 22 del corriente; citence los colindantes pa. d'ho dia, y nombreuse prebiam'te medidores y contadores, a quienes se les hara saber pa. su aceptacion y juramento. Asi yo el ciudo. José Raf'l Gonzalez, lo decreté, mandé y firmé, con los de mi asistencia.

JOSE RAFAEL GONZALES.

De asa.: JOSÉ MARIA CASTANARES,
De asa.: JUAN MIG'L ANZAR.

En la misma f'ha presente el C. Franco. Perez Pacheco, se le notifico del auto q. antecede y dijo lo oye y que se da por sitado y lo firmó con migo y los de asist'a.

GONZALES,
FRANCO. PEREZ PACHECO.

De asst'a: JOSÉ ANTONIO GARIOLA.

En la misma fecha—

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterrey, de la Alta California, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

ANGEL RAMIREZ.]

CASTRO.

—se libraron las Boletas de comparendo en cumplimiento de lo mandado en el auto antecedente, para la citacion de los colindantes y para constancia lo rubrico y anoto. (A flourish.)

#21

En el rancho de Sn. Felipe Guadalajarita, á los 22 dias del mes de Octubre, de 1835, en la misma casa yo el alcalde 2o. constitucional de la capital del Territorio, notifique a los colindantes Quintin Ortega y al administrador de la ex-mision de San. Juan Bausta., del auto anterior y entendidos lo firmaron con migo y los de assta.

JOSE RAFAEL GONZALES,
JOSE TIBURCIO CASTRO,
QUINTEIN ORTEGA.

D. A.: JUAN MIGUEL ANZAR,
D. A.: RAFAEL MOTA.

Yncontinente en el mismo rancho, dia, mes y año, yo el referido alcalde, en complimiento de auto de 20 del presente Octubre, de 1835, presentes los ciudos. colindantes, para la medicion señalamiento de linderos, y posecion juridica nombre por medidores á los Ciudadanos Rafael Mota, y Pascual Garcia, y pa. contador el C. Quintin Ortega, quienes prebia la aceptacion y juramto. procederan al desempeño de su encargo; asi yo el nominado alcalde lo decrete mande y firme con los de assta.

JOSE RAFAEL GONZALES,
QUINTIN ORTEGA.

D. A.: JUAN MIG'L ANZAR,
D. A.: RAFAEL MOTA.

En la misma fecha y en el mismo rancho, se les notifico el nombramto. echo á los Ciud's Rafael Mota, Pascual Garcia, y Quintin Ortega, y dijeron ql. aceptaban, y acepteron dho. encargo y juraron, por Dios y la Santa Cruz, de cumplir fiel y legalm'te atodo su leal saber y entender, ni fraude contra persona alguna, y no firmaron los tres sino solo Quintin y Mota, por no saber Garcia.

JOSE RAFAEL GONZALES,
JOSE F. CASTRO,
QUINTIN ORTEGA.

D. A.: JUAN MIG'L ANZAR,
D. A.: RAFAEL MOTA.

Yncontinente yo el referido alcalde mande traer á mi precencia el cordel con ql. se han de medir las tierras, y que los medidores lo midieron de cincuenta varas y en presencia de los colindantes; lo tomaron d'hos medidores, y con una vara de medir usual Mejicana teniendola en la mano, midieron las espresadas sincuenta vara pa. acer la referida medision y para constancia lo firme con los de assta.

JOSE RAFAEL GONZALES,
QUINTIN ORTEGA.

D. A.: JUAN MIG'L ANZAR,
D. A.: RAFAEL MOTA.

En—

[Sello Tercero, Dos Reales.

Habilitado provicionalm'te por la administracion de la aduana marítima de Monterrey, de la Alta California, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y sinco.

CASTRO. ANG'L RAMIREZ.]

—el mismo parage dia, mes y año, siendo las diez de la mañana, yo, el presente alcalde, mande á los medidores nombrados se pongan p'a las medidas q'l an de aser al C. Franc'o Perez Pacheco, y comensando á medir de norte á sur desde el Encino Grande, acia la orilla del Sanjon del Tiquisquite, tobo ochenta cordeles; y habiendo buelto de sur á norte desde el mencionado encino, hasta las Lomas Altas, y Cañada de los Osos, setenta cordeles, y habiendo buelto á tomar desde las lomas de S. Joaquin, de oriente á poniente á y ciento cuarenta cordeles, hasta la orilla del Sanjon, y des hay por todo el arroyo, q'l entra a la laguna, habiendorele medido por la parte de adentro, hasta el Encino Grande del Rincon de la Trinidad, q'l viene á divider por mitad la laguna, tubo setenta cordeles; habiendo rebuelto por toda la orilla de las lomas altas p'a buscar el punto onde en el deceño señala un angulo de norte á norœste hasta el portezuelo q'l bába para los tulares, ó asta la subider de la cuesta, tubo cuarenta cordeles, y desde hay asia el oriente, sesenta cordeles, y desde aquel punto hasta la punta de las lomas de S. Joaquin, asi onde hay una chichita, que dibide de las Lomas Grandes, hay siento cuarenta cordeles; y en cuya constancia, lo firmo con los de ass'ta.

JOSE RAFAEL GONZALES,
JOSE T. CASTRO,
QUINTIN ORTEGA.

De ass'ta:
JUAN MIG'L ANZAR.
De ass'ta:
RAF'L MOTA.

En el rancho de S'n Felipe Guadalajarita, á los veinte y dos dias del mes de Octubre, de 1835, yo, el alcalde constitutional de segundo nominacion, en la municipalidad de Monterrey, despues de practicadas las medidas del mencionado rancho conforme se demarca, en la medicion anterior, presentes los colindantes, ciudadanos Quintin Ortega y José Tiburcio Castro, por la ex-mision de S. Juan Baut'a, q'l fueron conformes, con lo mas q'l ber conbino, mande entrar en posecion pacifica, del terreno conocido por rancho de San Felipe Guadalajarita, al C. Franc'o Perez Pacheco, bajo las medidas sitadas y formalidades acostumbradas en casos semejantes, lo q'l verifico arancando yerbas, trosando algunas ramas de arboles, tirando algunas piedras y puñados de tierra y aciendo demonstraciones, como dueño del terreno q'l se le a concedido, p'r la ex'ma diputation territorial, y del que se le ha dado

en propiedad y pacifica posecion, cuya balidacion, la otoriso y firmó con los espresados colindantes, y testigos de ass'ta.

JOSE RAFAEL GONZALES,
JOSE T. CASTRO,
QUINTIN ORTEGA,
FRANC'O PEREZ PACHECO.

D. A.: JAAN MIG'L ANZAR,
D. A.: RAF'L MOTA.

Monterrey—

[Sello Tercero, Dos Reales.

Habilitado provicionalmente por la aduana maritima de Monterrey de la Alta California, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

CASTRO. ANGEL RAMIREZ.]

—Noviembre 11, de 1835.

Tomese razon en el libro de poseciones y de vuelvase original este espediente, al ynteresado pa. ql. le sirba de titulo. Asi yo el alcalde 2o. lo determine, mande y firme, con los de asistencia.

JOSE RAFAEL GONZALES,
JOSE T. CASTRO,
QUINTIN ORTEGA.

D. A.: JUAN MIG'L ANZAR,
D. A.: RAFA'L MOTA.

En 10 de Nob're, de 1835.

Se tomo razon en la fora Q. fuelta del libro respectivo, y se debolbio el expediente, con seis fojas utiles, á mas del diseño, ql. á esta espediente se acompaña en complimiento del anterior auto lo anoto y rubrico. (A scroll.)

Acto continuo, pase este expediente al S'or Asesor del Territorio, pa. ql. bista de lo actuado se sirba tasar, los derechos que corresponden satisfacer á este jusgado.

GONZALES.

S'or Alcalde 2o. Constit'l:

Corresponden el juez do del cargo de V. pr. los d'ros causados en la practica de las diligenque anteceden, los treinta y ocho pesos uno y medio reales que aparecen en la sig'te cuenta:

Presentacion de un escrito con recandos y su proveydo	-	1 0
Pur una notificacion - - - - - - - - -		0 3
Por tres notas - - - - - - - - - - -		1 4
Por el nombramiento aceptacion y juramento de peritos	-	1 0
Por la diligencia de reconocer el cordel - - - -		1 0
Medidas y posecion - - - - - - - - -		3 0
Por dos autos interlocutorios - - - - - -		2 0

Por lo escrito - - - - - - - - - -	1 2½
Pr. 36 leguas que se andubieron - - - - - -	27 0
Suma - - - - -	38 1½

Monterrey, 9'bre 26, de 1835.

COSMA PENA.

Dros de asesoria, 5 p's.

Filed in office, December 23, 1852.

GEO. FISHER, *Secretary.*

[*For map see original, page* 68.]

Seal of the First class, Six dollars.

[SEAL.] For the years one thousand [Seal.] eight hundred and twenty-six and one thousand eight hundred and twenty-seven; made valid for the years eighteen hundred and thirty-two and eighteen hundred and thirty-three.

(Sgd.) FIGUEROA,
(Sgd.) J. R. GONZALEZ.

Translation—Grants and Possession.—E.

José Figueroa, brigadier general of the national Mexican armies, inspector and superior political chief of the Territory of Upper California:

Whereas, Don Francisco Perez Pacheco has solicited, for his personal benefit and that of his family, the land known by the name of the Ansaymas, bounded by the mission of San Juan Bautista, the rancho of San Isidro, and the mountains; the necessary steps and investigations having been previously taken and made, in conformity with the requirements of law and regulations, I have, by virtue of the powers conferred upon me, granted unto him, by decree of the twenty-first of this month, the before mentioned land, in the name of the Mexican nation, declaring unto him the ownership thereof by these present letters; it being understood that said grant is made in entire conformity with the requirements of the laws, subject to the approval or disapproval of the most excellent territorial deputation and of the supreme government, and under the following conditions:

1st. That he abide by those which may be established by the regulations to be formed respecting the distribution of vacant lands, and that in the mean time neither the grantee nor his heirs shall divide or

alienate the land adjudicated to him, impose land rent, (censo,) entail, (vinculo,) bond, (fianza,) mortgage or any other burthen, although it may be for charitable purposes, nor convey it in mortmain.

2d. He may fence it without obstructing crossings, roads and servitudes; he shall enjoy it freely and exclusively, putting it to the use or cultivation which may suit him best; but within one year, at farthest, he shall build a house, which must be inhabited.

3d. When the property thereof shall be confirmed to him he shall request the respective magistrate to give him juridical possession by virtue of this patent, and said magistrate shall designate the boundaries, at the limits whereof, besides placing the landmarks, he shall set some fruit trees, or wild ones of some utility.

4th. The land, whereof donation is made, consists of two square leagues, (dos sitios de ganade mayor,) a little more or less, as appears by the plot which accompanies the expediente; the magistrate who may give possession shall cause it to be measured according to law, in order to mark the boundaries, leaving the surplus which may result to the nation for convenient uses.

5th. If he transgress these conditions he shall forfeit his right to the land, and it may be denounced by another.

I consequently command, that these presents serving him for a title be held as firm and valid, and a record thereof be made in the corresponding book, returning the original to the party interested for his security and further ends.

Given in Monterey on the twenty-sixth day of November, eighteen hundred and thirty-three.

(Sgd.) JOSE FIGUEROA,
(Sgd.) AGUSTIN V. ZAMORANO,
Secretary.

A record has been made in the book of entries of titles, respecting the adjudication of lands, at folio sixteen, number fourteen, kept in the archives of the secretary's office under my charge. Monterey, Nov'r twenty-six, eighteen hundred and thirty-three.

(Sgd.) ZAMORANO.

On the 3d of May this was referred to the committee on vacant lands.

(Sgd.) MALDONADO, *Sec'y.*

Seal of the Third class, Two rials.

[Government Seal.] Authorized provisionally by the collector of the maritime custom-house of Monterey, for the years eighteen hundred and thirty-four and eighteen hundred and thirty-five.

(Sgd.) FIGUEROA,
(Sgd.) RAFAEL GONZALEZ.

The grant made to citizen Francisco Perez Pacheco on the twenty-sixth of November, eighteen hundred and thirty-three, of the place called Ansaymas, is approved in entire conformity with the stipulations of the law of eighteenth of August, eighteen hundred and twenty-four,

for the measurement, designation of boundaries, and juridical possession, I appointed as measurers citizens Rafael Mota and Pascual Garcia, and as counter-citizen Quentin Ortega, who, when they accept and take oath, will proceed to exercise their functions. Thus I, the said alcalde, did decree, command, and sign with the assisting witnesses.

(Signed) JOSE RAFAEL GONZALES.

(Signed) JUAN MIGUEL ANZAR,
(Signed) RAFAEL MOTA.
Ass. witnesses.

(Signed) QUENTIN ORTEGA.

On the same date and in the same rancho, citizens Rafael Mota, Pascual Garcia, and Quintin Ortega, were notified of their appointments, who said that they accepted, and did accept, and swore in the name of God and by the holy cross, that they would comply faithfully and legally, to the best of their knowledge and ability, without fraud against any person; and only Quintinand Mota signed, Garcia not knowing how.

(Signed) JOSE RAFAEL GONZALES,
(Signed) JOSE TIBURCIO CASTRO,
(Signed) QUINTIN ORTEGA.

(Signed) JUAN MIGUEL ANZAR,
(Signed) RAFAEL MOTA,
Ass. witnesses.

At the same moment, I, the said alcalde, commanded the cord wherewith the lands are to be measured, to be brought into my presence, and that the measurers should measure off fifty varas in presence of the neighboring land-holders; the measurers took the same, and holding a common Mexican vara rod in their hands, measured off the said fifty varas, in order to make the said measurement.

In testimony whereof, I sign with the assisting witnesses.

(Signed) JOSE RAFAEL GONZALEZ,
(Signed) QUINTIN ORTEGA.

(Signed) JUAN MIGUEL ANZAR,
(Signed) RAFAEL MOTA,
Ass. witnesses.

In the same place, day, month, and year, it being ten o'clock in the morning, I, the present alcalde, commanded the measurers appointed to proceed to the measurement they had to make to citizen Francisco Perez Pacheco, and commencing to measure from N. to S., from the large oak tree towards the edge of the Zanjon del Tequesquite, eighty cords were counted; and having returned from S. to N., from the said oak tree to the high hills and Cañada de los Osos, seventy cords, and having continued from the hills of San Joaquin, from E. to W. to the edge of the gulch, (Zanjon,) one hundred and forty cords were mea-

#25

sured; thence all along the creek which enters into the lagoon, having measured on the inside to the large oak tree of the Rancon de la Trinidad, which divides the lagoon in half, there were seventy cords; thence having returned all along the edge of the high hills to find the point where the plot designates an angle from N. to N.W., to the mountain pass (portezuelo) which leads to the Tulares or to the ascent of the mountain, there were forty cords; and thence towards the E. sixty cords; and from that point to the point of the hills of San Joaquin, in which direction there is a small conical hill, (chichiba,) which divides the great hills, forty cords were measured.

In testimony whereof, I sign with the assisting witnesses.

(Signed) JOSE RAFAEL GONZALEZ,
(Signed) JOSE T. CASTRO,
(Signed) QUINTIN ORTEGA.

(Signed) JUAN MIGUEL ANZAR,
(Signed) RAFAEL MOTA,
Ass. witnesses.

In the rancho of San Felipe Guadalajarita, on the twenty-second day of the month of Oct., 1835, I, the constitutional alcalde of second nomination, in the municipality of Monterey, after concluding the measurement of said rancho in the manner designated in the foregoing measurement, being present the neighboring land holders, citizens Quintin Ortega and José Tiburcio Castro, on the part of the ex-mission of San Juan Bautista, who were satisfied with the rest that was necessary to examine, *I* commanded citizen Francisco Perez Pacheco to enter into peaceable possession of the land known as the rancho of San Felipe Guadalajarita, according to the beforementioned measurement and customary formalities in similar cases, which he effected by pulling up grass, breaking off some branches of trees, throwing stones and handfuls of earth, and making demonstrations as owner of the land granted to him by the most excellent territorial deputation, and of which ownership and peaceable possession has been given to him, the validity of which I authorize and sign with the said neighboring landholders and assisting witnesses.

(Sgd.) JOSE RAFAEL GONZALEZ,
(Sgd.) JOSE T. CASTRO,
(Sgd.) QUINTIN ORTEGA,
(Sgd.) FRANCO. PEREZ PACHECO.

Assisting witnesses:
(Sgd.) JUAN MIG'L ANZAR,
(Sgd.) RAFAEL MOTA.

Monterey, Nov. 11th, 1835.

Let a record be made in the book of possessions, and this original expediente be returned to the party interested, in order that it may

serve him for a title. Thus I, the second alcalde, did determine, command, and sign, with the assisting witnesses.

(Sgd.) JOSE RAFAEL GONZALEZ,
(Sgd.) JOSE T. CASTRO,
(Sgd.) QUINTIN ORTEGA.

Ass. witnesses:
(Sgd.) JUAN MIGUEL ANZAR,
(Sgd.) RAFAEL MOTA.

On the 10th of Nov'r, 1835, a record was made in the respective book on the back of folio 2, and the expediente was returned in six folios, *within* on fojas utiles,) besides the plot which accompanies this expediente; and in fulfilment of the foregoing decree I note it down and sign with my scroll.

(Sgd. with the Alcalde's scroll.)

In continuation, let this expediente be remitted to the assessor of the Territory, in order that in view of the proceedings he may be pleased to designate the fees to be paid into this court.

(Sgd.) GONZALEZ.

Señor Second Constitutional Alcalde:

The court under your charge is entitled, as fees for the foregoing proceedings, to the thirty-eight dollars one and a half rials, which appear in the following account:

Presentation of a petition with decree thereto - - -	$1 00
For one notification - - - - - - - - -	0 03
For three notes - - - - - - - - - -	1 04
For appointment, acceptation, and oath of measurers and counter - - - - - - - - -	1 00
For the proceeding of examining the cord - - - -	1 00
Measurement and possession - - - - - -	3 00
For two interlocutory decrees - - - - - -	2 00
For the writing - - - - - - - - -	1 02½
For 36 leagues traveled over - - - - - -	27 00
Total - - - - - -	$38 01½

Assessor's fees $5.

(Sgd.) (Assessor's scroll.)

Monterey, Nov'r 26th, 1835.

(Sgd.) COSME PENA.

I, the undersigned, do hereby certify the foregoing to be a true and faithful translation of the original title, certificate of approval, and proceedings of possession of the rancho of Los Ansaymas in the hands of Don Francisco Perez Pacheco.

Office of State translator, Monterey, 5th December, 1851.

W. E. P. HARTNELL, *State Translator.*

Filed in office, Febr'y 24th, 1852.

GEO. FISHER, *Sec'y.*

Opinion.

No. 63—Francisco Perez Pacheco, claimant.

The claimant asks for the confirmation to him of a tract of land called the Ansaymas, containing two square leagues, a little more or less, for which he produces a grant to himself from Governor Figueroa, dated Nov. 26, 1833, and an approval of it by the territorial deputation, May 17, 1834. Juridical possession of the land appears to have been duly given to the claimant on the 22d of October, 1835, and he is proved to have ever since been in the quiet occupation of the same, living upon it, cultivating the land, and using it for the pasturage of cattle. There appears to be no doubt of the genuineness of the title-papers, and no objections are suggested to the confirmation of the claim. The surplus land after measurement being by the grant reserved to the nation, we confirm the claim as we have heretofore done in like cases, for no more than the two leagues specified, not considering the party entitled to claim any land under the words more or less. We therefore make the following decree of final confirmation, Commissioner Thornton concurring in the result:

This board, on full consideration, having come to the conclusion that the claim is valid, now proceeds to make, and does hereby make, the following decree or report of final confirmation, viz: It is decreed that the said claim be confirmed to the extent and quantity of two square leagues, being the same land described in the grant, and of which the possession was proved to have been judicially given and long enjoyed: Provided that the said quantity of two square leagues now confirmed to the claimant be contained within the boundaries called for in said grant and map to which the grant refers, and if there be less than that quantity within said bounds, then we confirm to the claimant that less quantity.

Witness our hands this 5th of Jan'y, 1853.

HILAND HALL,
HARRY J. THORNTON,
Commissioners.

Filed in office, June 5th, 1853.

GEO. FISHER, *Sec'y.*

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, Secretary of the Board of Commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing eighty-four pages, numbered from 1 to 84, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 63 on the docket of the said board, wherein Francisco Perez Pacheco is the

claimant against the United States, for the place known by the name of Ansaymas.

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francis-
[G. F.] co, California, this thirteenth day of March, A. D. 1854, and of the independence of the United States of America the seventy-eighth.

(Sgd.) GEO. FISHER, *Sec'y.*

UNITED STATES DISTRICT COURT,
Southern district of California.

CLERK'S OFFICE, *Los Angeles.*

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify, that the foregoing 85 pages, numbered from 1 to 85, both inclusive, contain a full, true, and correct copy of transcript No. 63 filed in this office, wherein Francisco Perez Pacheco is appellee, and the United States are appellants, for "Ansaymas."

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at Los Angeles, California, this 19th day
[L. S.] of January, A. D. 1856, and of the independence of the United States of America the eightieth.

C. E. CARR, *Cl'k.*

DISTRICT COURT OF THE UNITED STATES,
Southern district of California.

CLERK'S OFFICE, *Los Angeles county.*

FRANCISCO PEREZ PACHECO, appellee, } ads.
THE UNITED STATES, appellants. }

Docket No. 79.—Transcript No. 69.

Be it remembered, that on the 19th day of September, A. D. 1854, in the district court of the United States for the southern district of California, the following proceedings were had, to wit: A duly certified transcript of the proceedings and decision of the commission to ascertain and settle the private land claims in the State of California when sitting as a board, in the case wherein Francisco Perez Pacheco is the claimant against the United States, for the place named "Los Ansaymas," was received and filed, and docketed with No. 79, and is as follows, to wit:

(Vide page 1.)

LOS ANGELES, *Sept. 19th,* 1854.

In case No. 79, Franco. P. Pacheco, for Ansaymas, the notice of appeal from U. S. Attorney General was filed.

(Vide page 3.)

LOS ANGELES, *Dec.* 29*th*, 1854.

In same case the petition of U. States for review was filed.

(Vide page 3.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *April* 9*th*, 1855.

In same case the answer of appellee was filed.

(Vide page 12.)

LOS ANGELES, 1855.

In same case leave to take further testimony was filed.

(Vide page 15.)

MONTEREY, *June* 19*th*, 1855.

In same case the deposition of José Rafael Gonzales, a witness on the part of appellee, was taken and filed.

(Vide page 15.)

MONTEREY, *June* 19*th*, 1855.

In same case the deposition of David Spence, a witness on the part of appellee, was taken and filed.

(Vide page 19.)

LOS ANGELES, *Oct.* 8*th*, 1855.

In same case the deposition of Abel Stearns, a witness on the part of appellee, was taken and filed.

(Vide page 20.)

LOS ANGELES, *Oct.* 8*th*, 1855.

In same case the title of appellee for Ansaymas was filed.

(Vide page 21.)

LOS ANGELES, *Oct.* 10*th*, 1855.

In same case the opinion of the court was delivered confirming the claim, and the following decree entered.

(Vide page 23.)

LOS ANGELES, *Oct.* 18*th*, 1855.

In same case the order of appeal on motion of P. Ord, U. S. att'y, was filed.

Notice of Appeal.

ATTORNEY GENERAL'S OFFICE, 13*th July*, 1854.

FRANCISCO PEREZ PACHECO, claimant,
vs.
THE UNITED STATES. } 63.

You will please take notice, that an appeal in the above case, (a transcript of the proceedings in which was received at this office on the 30th

of March, 1854,) from the decision of the commissioners to ascertain and settle the private land claims in the State of California, to the district court of the United States for the southern district of California, will be prosecuted by the United States.

C. CUSHING,
Attorney General U. S.

Rec. Sept. 18th, 1854.
Filed Sept. 19th, 1854.

A. S. TAYLOR, *Dep. C'lk.*

Petition.

In the District Court of the United States for the southern district of California.

LOS ANGELES COUNTY.

FRANCISCO PEREZ PACHECO ads. THE UNITED STATES. } No. 63.

To the honorable Isaac S. K. Ogier, judge of the District Court of the United States for the southern district of California.

The petition of Pacificus Ord, (of Monterey county,) attorney of the United States for the southern district of California, who petitions in this behalf for the United States, and being present here in court in his proper person, in the name and behalf of the United States represents as follows:

That, heretofore, to wit, on or about the 24th day of February, A. D. 1852, Francisco Perez Pacheco presented a petition to the commissioners to ascertain and settle the private land claims in the State of California, claiming the tract of land called "Ansaymas" and "Cañada de los Osos," containing two leagues, more or less, in the words and figures following, to wit:

"The petition of Francisco Perez Pacheco respectfully showeth: That being a Mexican by birth, and in the military service of the Mexican Republic, in the Territory of California, he made and presented a petition on the 30th day of May, 1833, to José Figueroa, brigadier general and superior chief or governor of California, soliciting for himself the grant of two adjoining parcels of land, then occupied by him, situate near the mission of San Juan Bautista, in the present counties of Monterey and Santa Clara, and designated as 'Ansaymas' and 'Cañada de los Osos.' That on the first of June, 1833, said governor referred said petition to the ayuntamiento of Monterey, in order to obtain their report whether the said lands could be granted, and whether the petitioner possessed the requisites necessary to meet with a compliance of his request. That on said 1st June, 1833, the ayuntam'to of Monterey transmitted said petition and reference to the committee of colonization and waste land, and that said committee inquired of the fathers, ministers of the mission of San Juan Bautista, to the territory of which

those tracts formerly belonged, and was notified by Felipe Arroyo, one of said ministers, that the mission had granted said lands to your petitioner, because said mission did not want them. Thereupon said committee on waste land and colonization, in their report to the ayuntam'to aforesaid, declared said lands liable to be granted, provided the reverend fathers of said mission would not raise any further obstacles. That said ayuntamiento transferred said report of the committee to Governor Figueroa on the 8th of June, 1833. That on the 11th of June, 1833, said Governor Figueroa referred the subject back to the reverend fathers, ministers of said mission of San Juan, in order to obtain an exact statement of all the facts directly from them. Whereupon José Antonio de Amor, one of the fathers aforesaid, reported favorably to the petition of your petitioner, Pacheco. That said Governor Figueroa thereupon, to wit, on the twenty-fourth day of June, 1833, referred said matter to the first constitutional alcalde of Monterey, in order to obtain further reports about the character and position of your petitioner Pacheco, and whether said lands did not belong to the 'Rancho Nacional,' or to any corporation, village, or individual. Thereupon said alcalde notified your petitioner that he had to bring witnesses to be examined on all the particulars set forth in the governor's reference to him, the said alcalde. That your petitioner appeared there on the day appointed with three witnesses, citizens of the Republic of Mexico, who then and there satisfactorily proved that your petitioner was of unexceptionable character in the military services of the republic for many years; that he was possessed of a large stock of cattle, &c., &c., and that the land petitioned for belonged de jure to the mission of San Juan Bautista, but was waste and unoccupied. The depositions of which three witnesses were transmitted to Governor Figueroa, whereupon said José Figueroa, by virtue of the authority invested in him as constitutional Governor of California, by a decree dated the 21st of November, 1833, declared the said Francisco Perez Pacheco to be the lawful owner of the tracts of lands designated as 'Los Ansaymas' and 'Cañada de los Osos,' now only known under the name 'Ansaymas,' and directed the proper documents constituting title to be executed and delivered to said Pacheco. That on the twenty-sixth of November, 1833, said documents were issued in accordance with all the formalities of the law, and delivered to your petitioner. That said grant was introduced to the departmental assembly at Monterey, and by her referred to the committee on colonization to report thereon. That said committee having favorably reported thereon, on the 7th of March, 1834, said departmental assembly, in the sitting of the 17th of May, 1834, approved and confirmed said grant.

"And your petitioner further saith, that the said petition, references, letters, statements, depositions, and a copy of the original grant, together with a map of the land, are now on file among the archives of the Surveyor General of the United States of America for the State of California, and that duly certified copies and translations of the same

are herewith exhibited and prayed to be made a part to this petition; and that the original grant and record of juridical possession are in the possession of your petitioner, and ready to be offered in evidence whenever required.

"And your petitioner further states, that said tract of land is situated in the present counties of Santa Clara and Monterey, in the neighborhood of the mission of San Juan Bautista, and is bounded according to the terms of said grant, as follows: On the south by the lands of the mission of San Juan Bautista, and the 'Sanjon del Tequesquite,' commencing about one thousand varas south of the entrance of the San Felipe creek, in the Laguna de San Felipe; thence running due east two leagues; thence at right angles to said last line, due north one league and three quarters, crossing the river of San Felipe to a point about three hundred varas north of the point of crossing; thence west one thousand varas; thence south 20 degrees west three thousand varas; thence west to a point due north of the point of the first station; thence due south to the place of beginning, containing in whole about two leagues, more or less.

"And your petitioner further states, that he applied to the constitutional alcalde at Monterey on the 26th of October, 1835, for the purpose of obtaining juridical possession of the land so granted to him, and that said alcalde on the 22d of October, 1835, had said land measured, and gave your petitioner the juridical possession of it in accordance with all the formalities of the law.

"And your petitioner further states, that afterwards, to wit, on the sixth day of April, 1836, he obtained a grant for a tract of land adjoining the above described, and that second grant expressly confirmed and ratified said first-named grant of the 26th Nov., 1833, as will more fully appear by reference to said second grant, which, together with the documents of juridical possession above mentioned, is in your petitioner's hand, and ready to be offered in evidence, whenever required.

"And your petitioner further saith, that ever since said grant was made to him, he has been in possession of said land, and has exercised full and acknowledged ownership over the same, and that he is not aware of any title paramount to his. He, therefore, claims to be the owner of said tract 'Ansaymas,' and prays that your honorable body will confirm his claim and title thereto."

Your petitioner further represents, that thereafter, to wit, on the 5th day of January, A. D. 1853, the said commissioners confirmed by final decree the said claim of the said Franc'o Perez Pacheco, in the words and figures following, to wit:

"This board, on full consideration having come to the conclusion that the claim is valid, now proceeds to make and does hereby make the following decree or report of final confirmation, viz: It is decreed that the said claim be confirmed to the extent and quantity of two square leagues, being the same land described in the grant, and of which the possession was proved to have been judicially given and long enjoyed; Provided, That the said quantity of two square leagues

now confirmed to the claimant be contained within the boundaries called for in said grant and map to which the grant refers; and if there be less than that quantity within said bounds, then we confirm to the claimant that less quantity.

"Witness our hands this 5th of January, 1853.

HILAND HALL,
HARRY J. THORNTON,
Commissioners."

That thereafter, to wit, on the 19th day of September, A. D. 1854, a duly certified transcript of the said decree and proceedings, and the papers and evidence on which it was founded in said cause, was filed in the office of the clerk of the district court of the United States for the southern district of California, and marked No. 63, reference to which it is prayed may be had and made a part of this petition.

That on the 30th day of March, A. D. 1854, the honorable Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of said final decree and proceedings of said commissioners in said cause, (No. 63,) and the papers and evidence on which said decree was founded.

That, thereafter, to wit, on the 19th day of September, A. D. 1854, the said Attorney General of the United States filed, or caused to be filed, on behalf of the United States, a notice with the said clerk of said district court for the southern district of California, that the appeal in said cause of Franc'o Perez Pacheco vs. the United States, from the decision of the said commissioners to ascertain and settle the private land claims in the State of California, in the district court of the United States for the southern district of California, would be prosecuted by the United States.

Your petitioner further represents, that the said land claimed as aforesaid is within the jurisdiction of this honorable court.

And your petitioner further represents and insists, that the said decree of said commissioners is erroneous, and ought to be reviewed, reversed, and set aside for many errors and imperfections of law and evidence, apparent in said certified transcript of said cause, now on appeal from said commissioners to this honorable court.

And your petitioner further represents, that the said claim is invalid, and the said decree erroneous on the following grounds:

1. That the said Francisco Perez Pacheco shows no valid title to the said land claimed by him as aforesaid, and it is denied that he has any.

2. That the said alleged grant of Governor Figueroa was made in violation of the 4th article of the colonization law of Mexico, of the 18th of August, A. D. 1824, in this, that the land granted, as alleged by claimant, was and is within ten leagues of the sea-coast, and there is no evidence by claimant that the supreme general executive power of Mexico previously approved of the colonization of the lands of California, within ten leagues of the sea-coast; and it is denied

that such previous consent of said supreme general executive power of Mexico in such case was ever had.

3. That at the date of the said alleged grant, the said land claimed as aforesaid was occupied by or in the possession of the missions of California, and, particularly, by the mission of San Juan Bautista, and could not therefore be colonized.

4. That the land alleged to have been granted by Governor Figueroa, of the date of the 26th of Nov., A. D. 1833, is not sufficiently described in said grant and map referred to therein, so that it can be identified; and the said alleged grant is void for uncertainty.

5. That there is no evidence that the names of José Figueroa, Augustin V. Zamorano, and Maldonado, appearing upon the said alleged grant of said date, are their genuine signatures; and it is denied that they are genuine, and the genuineness of the said alleged grant of said Governor Figueroa, of said date, is also denied.

6. That the said alleged grant of said land is made subject to the approval of the supreme government of Mexico, and there is no evidence that said supreme government ever approved said grant, and it is denied that it was ever so approved as required.

7. That the alleged act of juridical possession, by José Rafael Gonzalez, second constitutional alcalde of Monterey, dated the 22d of October, A. D. 1835, was not made according to the said alleged grant and map, nor according to the ordinance or law; that the pretended survey of said land is vague, uncertain, and indefinite.

8. That there is no evidence that the said José Rafael Gonzalez was, on the said 22d of October, A. D. 1835, second constitutional alcalde of Monterey, and that he had lawful authority to measure and give juridical possession of said land; and it is denied that said Gonzalez was such second alcalde of Monterey, with lawful authority to measure and give juridical possession of said land to said Pacheco.

9. And there is no evidence that the said Francisco Perez Pacheco built a house on said land within a year from the date of said grant, and that it was occupied; and it is denied that he built a house on said land within a year from the date of said grant, and that it was occupied by him.

10. That claimant has not shown that any title ever issued to him of the date of the 6th of April, A. D. 1836, for a tract of land adjoining the aforementioned tract as alleged; and it is denied that he ever received a title for land of the said date as alleged in his said petition.

And no proof having been made by said claimant of the allegations of his said petition, or in support of his said claim filed as aforesaid, no decree ought to have been made or grounded thereon; but the said petition ought to have been dismissed, and said claim rejected by said commissioners upon the grounds aforesaid.

Wherefore the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, by reason of the premises, and the laws and statutes in such case made and provided, prays that the said Francisco Perez Pacheco or his attor-

ney may be served with a copy of this petition, and that this honorable court will review the said decision or final decree of confirmation of said commissioners to ascertain and settle private land claims in the State of California, and decide on the validity of the said claim of said Francisco Perez Pacheco for said land claimed and confirmed as aforesaid; and that the same may be decreed invalid, and all such other orders, judgments, or decrees as may be just; with costs and general relief.

P. ORD,
Attorney of the United States for the southern district of Cal'a.

Filed Dec. 29, 1854.

C. E. CARR, *Cl'k.*

Answer.

In the United States District Court for the southern district of California.

FRANCISCO PEREZ PACHECO, app'ee, ads. THE UNITED STATES, appellants.

Land commission No. 63.—Docket No. 79.

Claim for "Ansaymas" and "Cañada de los Osos."

And now comes the above named appellee, Francisco P. Pacheco, by J. R. Scott, his attorney, and for answer to the petition for review filed in this case by the appellant, says:

That on the 26th day of November, A. D. 1833, José Figueroa, then constitutional and acting governor of Upper California, and duly authorized by law to make such grant, did by his deed of grant of that date, duly executed according to law, grant and convey unto this appellee the lands called "Ansaymas" and "Cañada de los Osos," the same being two adjoining parcels of land known by the common name of "Los Ansaymas," situate in the present counties of Monterey and Santa Clara, and containing two square leagues, a little more or less; which said lands were duly admeasured and juridical possession thereof given to this appellee by the competent judicial authorities of the district wherein said lands were situate, according to law, on the 22d day of October, A. D. 1835, whereby this appellee became seized in fee simple of the lands aforesaid, as this appellee avers; that he has, from the date of the aforesaid grant to the present time, done, performed, and fulfilled all the conditions that it was necessary by law for him to do, perform, and fulfil, to perfect his title to the said lands, and that during all that time he has been in quiet and peaceable possession and occupation of the same.

And this appellee further says, that on the 24th day of February, A. D. 1852, he filed before the United States board of land commissioners to ascertain and settle the private land claims in California, his petition setting forth his title, and praying for a confirmation to him of the said lands by the said board, together with certain documentary evidence in support thereof.

And that afterwards, to wit, on the 3d and 12th days of May, A. D. 1852, this appellee also filed before said commissioners certain depositions of witnesses in support of his claim to said land of "Los Ansaymas," all of which petition, documentary evidence and depositions of witnesses, together with the subsequent proceedings of said commissioners in the matter, are contained in the transcript now on file in the office of the clerk of this court, the whole of which this appellee hereby refers to and makes a part of this his answer.

And this appellee further says, that the said board of commissioners, after hearing the petition and proofs of this appellee, did, by their decree and decision, made January 5th, A. D. 1853, confirm said lands to this appellee.

And this appellee says, that he is the legal owner of said lands, and entitled to have the same confirmed to him by this honorable court, inasmuch as he has done, performed, and fulfilled all things and conditions necessary to be done, performed, and fulfilled to entitle him to such confirmation, particularly by an act of the Congress of the United States entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3d, 1851.

And this appellee further states, that said lands are situate in the southern district of California, and within the jurisdiction of this honorable court; and for further answer to the petition for review filed in this case by the appellant, this appellee says, that he denies all and singular each and every allegation therein contained, except what is admitted in this his answer; and he denies that there is any thing in said petition contained, either in law or in fact, to estop or prevent this honorable court from affirming the decision of said board of commissioners, and confirming to this appellee his title to the lands in this case.

And this appellee would pray the judgment of this honorable court, that the decision of said board of commissioners may be affirmed, and that his title to the said lands of "Ansaymas" may be confirmed; and that he may have such other and further relief as shall be agreeable to equity and good conscience, and the nature of his case shall require.

J. R. SCOTT,
Attorney for Appellee.

Filed April 9th, 1855.

C. E. CARR, *Clerk.*

Leave to take further Testimony.

In the United States District Court of the southern district of California.

THE UNITES STATES, appellant,
vs.
FRANCISCO PEREZ PACHECO, appellee. } No. 79.

Claim for Rancho of "Ansaymas."

And now on this day of , A. D. 1855, the parties appear in court, the appellant appearing by P. Ord, United States district

attorney for the southern district of California, and the appellee appearing by J. R. Scott, his attorney; on motion of appellee's attorney, it is ordered, that either party may take such further testimony as they shall wish in the above entitled cause.

Filed.

Deposition of José R. Gonzales.

THE UNITED STATES, appl't. } No. 79.—"Ansaymas."
vs.
FRANCISCO P. PACHECO, app'ee. }

U. S. DISTRICT COURT,
Southern district of California.

Deposition of José Rafael Gonzales, a witness on the part of appellee, taken by consent of parties before Charles E. Carr, U. S. commissioner, appointed to take testimony in this case at Monterey, June 19th, 1855.

Present, P. Ord, U. S. attorney for appellant; J. R. Scott, attorney for appellee; J. L. Ord, sworn as interpreter.

José Rafael Gonzales being duly sworn, deposes and says:

Ques. 1st. What is your name, age, place of residence, and present occupation?

Answer. My name is José Rafael Gonzales; my age is sixty-seven years; my residence Monterey; my occupation that of a ranchero.

Ques. 2d. Do you know the rancho of "Ansaymas?"

Ans. Yes, I know it; it is the same as San Felipe; it was called "Ansaymas," after the chief of the Indian tribe which lived on the place; the padres of the mission called it San Felipe.

Ques. 3d. Did you ever give judicial possession of said rancho of "Ansaymas;" if so, when and to whom; and were you alcalde at the time of giving such possession?

Ans. When I was alcalde of Monterey, in the years 1834 or 1835, I gave judicial possession of San Felipe and Ansaymas—*to the* being included in one—to Francisco Perez Pacheco.

Ques. 4th. What do you know of the occupation of said rancho?

Ans. I know that Francisco Perez Pacheco has occupied said ranch ever since I gave him judicial possession of it. That he built houses on the same and cultivated it, and has had large numbers of cattle and horses upon it from that time till now.

Cross-examined by the U. S. Counsel.

Ques. When was this rancho of Ansaymas last occupied by the mission of San Juan?

Ans. It was occupied by the mission up to the time it was petitioned by Francisco Perez Pacheco?

Ques. Who was present when you gave judicial possession to Franco. Perez Pacheco about the years 1834 or 1835?

Ans. The following persons were present when I gave the judicial

possession about the years 1834 or 1835: José Tiburcio Castro, Quintin Ortega, a colindante, José Maria Sanchez, Mariano Macayo Castro, Hipolito Misia, Cruz Cervantes, Cruz Perez Rafael Mota, one Vargas Juan M. Chezar. These are all I remember.

Ques. Who were the assisting witnesses to the act of judicial possession?

Ans. I do not recollect.

Ques. Were they not Juan Miguel Anzar, Rafael Mota.

Ans. I do not recollect, it is so long since.

Ques. Did you or not ever give judicial possession to Francisco Perez Pacheco of any tract of land other than the one you have just mentioned?

Ans. I never gave Pacheco judicial possession for any other land than the one I have mentioned.

Ques. Did you or not make and deliver to Francisco Perez Pacheco a testimonial of the judicial possession of the said rancho of Ansaymas?

Ans. I did make and give to Pacheco a testimonial of the judicial possession of the said tract, the original remaining in the juzgado of Monterey under the charge of Dn. David Spence, first alcalde, and myself second alcalde.

Ques. Under what title did you give the said judicial possession of said rancho of Ansaymas to the said Pacheco?

Ans. Under a title from General Figueroa. There was no other title than that from Figueroa.

Ques. Was Governor Figueroa alive at the time you gave judicial possession to Francisco P. Pacheco?

Ans. I do not recollect.

Ques. At the time you gave judicial possession of said rancho of Ansaymas, had the said Pacheco a house on the same?

Ans. Yes; he had several houses on the place, and many cattle, horses, and sheep.

Ques. At the time of judicial possession, did the said Pacheco live there in any of these houses?

Ans. Yes; he lived in the largest of the houses.

Ques. By what name or names was the said tract of land of which you gave judicial possession as aforesaid known at that time?

Ans. When it was occupied by the Indians it was called Ansaymas; the padres of the mission of San Juan Bautista, San Felipe, and Francisco Perez Pacheco, called it Guadalaxarita.

Ques. How far is the said tract of land from the sea-coast?

Ans. About fourteen leagues, I think.

JOSE RAFAEL GONZALEZ.

Sworn to and subscribed at Monterey, this 19th day of June, 1855.

C. E. CARR,
U. S. Commissioner.

Filed June 19th, 1855.

C. E. CARR, *Clk.*

Deposition of David Spence.

THE UNITED STATES, applt.,
vs.
FRANCISCO PEREZ PACHECO, app'ee. } No. 79.—"Ansaymas."

U. S. DISTRICT COURT,
Southern District of California.

Deposition of David Spence, a witness on the part of appellee, taken by consent of parties before Charles E. Carr, U. S. commissioner, appointed to take testimony in this case, at Monterey, June 19th, 1855. Present, P. Ord, U. S. Attorney; J. R. Scott, attorney for appellee.

David Spence, being duly sworn, deposes and says:

Ques. 1st. What is your name, age, place of residence, and occupation?

Ans. My name is David Spence; my age is fifty-six years; my residence is Monterey; my occupation ranchero.

Ques. 2. How long have you resided in California?

Ans. I have resided in this State upwards of thirty years.

Ques. 3d. Do you know José Rafael Gonzales?

Ans. I do.

Ques. 4th. State anything you may know of his having been alcalde in Monterey, and about what time.

Ans. I know that he was second alcalde in the year 1835, when I, myself, was first alcalde in the same year.

(Sgd.) D. SPENCE.

Sworn to and subscribed at Monterey, the 19th of June, 1855, before me.

(Sgd.) C. E. CARR, *U. S. Com'r.*

Filed June 19th, 1855. C. E. CARR, *Cl'k.*

F. P. PACHECO, appellee, ads.
THE UNITED STATES, appl't. } No. 79.—Ansaymas.

Abel Stearns, a witness on the part of appellee, was sworn and testified as follows:

Ques. What is your name, age, and place of residence?

Ans. My name is Abel Stearns; my age 57 years; residence in Los Angeles.

Ques. How long have you resided in California?

Ans. Twenty-six years.

Ques. Did you know José Figueroa and Agustin V. Zamorano? if so, have you frequently seen them write, and are you acquainted with their handwriting?

Ans. I knew them both, have seen them write, and am acquainted with their handwriting.

Ques. Look upon a document here shown you, purporting to be a grant of land called Ansaymas, purporting to have been executed by José Figueroa to Francisco Perez Pacheco, bearing date Nov. 26th, 1833, and state whether the signatures of said José Figueroa and Agustin V. Zamorano, where they appear upon said document, are their genuine signatures.

Ans. I have examined the document, and pronounce José Figueroa's and Agustin V. Zamorano's signatures to be genuine.

Ques. What offices did the said José Figueroa and Agustin V. Zamorano hold in California in November, 1833?

Ans. Figueroa held the office of commandante general, and gefe superior politico; and Zamorano held the office of secretary. (Said document is hereto annexed, and marked "Exhibit C.—C. E. C.")

ABEL STEARNS.

Sworn to and subscribed before me this 8th day of Oct., 1855.

C. E. CARR, *Cl'k.*

Filed Oct. 8th, 1855.

C. E. CARR, *Cl'k.*

Title.

Sello Primero, [Seal.] Seis Pesos.

Para los años de mil ochocientos veinte y seis, y ochocientos veinte y siete.

[Valga po. las anos (Eagle,) de 1828 y 1829.] Rehabilitado para los años de mil ochocientos treinta y dos, y treinta y tres.

FIGUEROA. GONZALES.

José Figueroa, General de Brigada de los Ejercitos Nacionales Mejicanos, Comandante General, Inspector y Gefe Superior Politico del Territorio de la Alta California.

Por cuanto, Don Francisco Perez Pacheco, ha pretendido para su beneficio personal y el de su familia, el terreno conocido con el nombre de los Ansaymas, colindante con la mission de San Juan Bautista, rancho de San Isidro y la sierra, practicadas previamente las diligencias y averiguaciones consernientes, segun lo dispuesto pr. leyes y reglamentos usando de las facultades; que me son conferidas en decreto de 21 del corriente, a nombre de la nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de el pr. las presentes letras; entendiendose dicha concesion con entera conformidad á lo dispuesto por las leyes á reserva de la aprovacion ó desaprovacion de la ex'ma deputacion territorial y del supremo gobierno, y bajo las condiciones siguientes:

1a. Que se sometera á las q'l estableciere el reglam'to que se ha de formar pa. la distribucion de terrenos valdios, y q'l entretanto ni el agraciado ni sus herederos podran dividir ni enagenar el ql. se le adjudica, imponer censo vinculo, fianza, hipoteca, ni otro gravamen aunque sea por causa piadosa ni pasarlo á manos muertas.

2a. Podra cercarlo sin perjudicar las travesias caminos y servidum-

bres; lo disfrutara libre y exclusivamente destinandolo al uso ó cultivo q'l mas le acomode; pero dentro de un año á lo mas fabricara casa y estara habitada.

3a. Cuando se le confirme la propiedad, solicitará del juez respectivo q'l le de posecion juridica, en virtud de este despacho, por el cual se demarcaran los linderos en cuyos limites pondrá á mas de las mohoneras, algunos arboles frutales ó silvestres de alguna utilidad.

4a. El terreno de q'l se hace donacion es de dos sitios de ganado mayor poco mas ó menos segun esplica el diseño que corre en el espediente; el juez q'l diere lo posecion lo hará medir conforme a ordenanza po. señalar los linderos, quedando el sobrante q'l resulte á la nacion pa. los usos combenientes.

5a. Se contraviniere á estas condiciones, perdera su derecho al terreno y sera denunciable por otro.

En consecuencia mando q'l serviendole de titulo el presente y teniendose por firme y valedero, se tome razon en el libro á que corresponde y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey, á veinte y seis de Noviembre, de mil ochocientos treinta y tres.

JOSE FIGUEROA,
AGUSTIN V. ZAMARANO,
S'rio.

Queda tomado razon en el libro de asientos de titulos sobre adjudicacion de terrenos, á fojas diez y seis numero catorce q'l obra en el archivo de la sec'a de mi cargo. Monterey, Noviembre veinte y seis, de mil ochocientos treinta y tres.

ZAMORANO.

En 31 de Mayo pasó á la comision de terrenos valdios.

MALDONADO, *S'rio.*

Filed Oct. Sth, 1855.

C. E. CARR, *Cl'k.*

Decree.

THE UNITED STATES, appellants,
vs.
FRANCISCO PEREZ PACHECO, appellee. } No. 79.

This cause coming on to be heard at a special term of this court, on an appeal from the final decision of the commissioners to ascertain and settle private land claims in the State of California, under the act of Congress approved March 3d, 1851, upon the transcript of the decisions and proceedings, and the papers and evidence on which said decision was founded, and on additional testimony taken in this court; and it appearing that said transcript has been duly filed according to law, and counsel for the respective parties having been heard, it is ordered, adjudged and decreed, that the decision of the said commissioners be affirmed, and that the claim of the said Franco. Perez Pacheco to the land described in the grant in this case is a good and valid claim, and